REPORT

ON THE

ADMINISTRATION OF CIVIL JUSTICE

IN THE

PANJAB AND ITS DEPENDENCIES,

DURING THE YEAR

1873.

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Proceedings of the Hon'ble the Lieutenant-Governor of the Panjab, in the Home Department,—No. 2548, dated the 6th July 1871

No. 1,158.

FROM

E. H. HARRISON, ESQUIRE,

Offg. Registrar Chief Court, Panjab.

To

T. H. THORNTON, ESQUIRE,

Secretary to Government, Panjab.

Dated LAHORE, *the* 15*th May* 1874.

SIR,

I am directed to submit the following Report on the Administration of Civil Justice in the Panjab, during the year 1873. The arrangement of the Report is nearly the same as that for 1872, and is shown from the following main headings :—

I.—ORIGINAL COURTS.

1. Institution of suits.
2. Disposal of original suits.
3. Classification of suits.
4. Agency for disposing of suits.
5. Value and cost of suits.
6. Execution of decrees.

II.—SMALL CAUSE COURTS, AND THEIR WORK.

III.—APPELLATE COURTS.

1. Deputy Commissioner.
2. Commissioner..
3. Chief Court.

2. Two Appendices are annexed, the first containing the Imperial Returns, the second containing extracts from the local reports, arranged under the following heads:—

1. Cases decided ex-parte and dismissed on default.
2. Procedure.
3. Execution of decrees.
4. Appeals and appeal system.
5. General.

I.—ORIGINAL COURTS.

1. Institution of suits.

Number of suits instituted.

3. The number of original Civil suits instituted during the year was 2,21,855, being greater by 3,899 or 1·8 per cent. than the number instituted in the previous year, and greater by 2,930 or 1·3 per cent. than the largest number hitherto attained, which was in 1871.

Statistics of the last five years.

4. For the last five years the number of institutions has been as follows :—

Class of Courts.	1869.	1870.	1871.	1872.	1873.
District Courts	1,30,712	1,68,032	1,77,542	1,77,250	1,84,688
District Small Cause Courts ...	26,115	30,328	35,376	34,276	30,964
Cantonment Magistrates	7,768	6,946	6,007	6,430	6,203
Total ...	1,64,595	2,05,606	2,18,925	2,17,956	2,21,855

It will be seen that in 1870 there was a remarkable increase in litigation, since which year the progression has been gradual, except that in 1872 it received a check, which has been generally attributed to the sickness that prevailed in that year.

Increase in the last decade.

5. The total number of suits instituted in the province in the year 1863 was 97,735, so that in the last decade litigation has considerably more than doubled.

It may be noticed that the total number of original Civil suits (including Revenue Court suits) instituted in the North-West Provinces during the year 1872 was 1,55,092. Considering the respective populations of the two provinces, and comparing the litigation with the population, it will be found approximately that, whereas in the North-West Provinces there is one suit for every 193 inhabitants, there is in the Panjab one suit for every 90.

The increase in the year under report was entirely in suits brought in the District Courts, there being a decrease in Small Cause Courts (both District and Cantonment), which will be noticed under the Chapter on Small Cause Courts.

Districts in which was the largest increase, with causes alleged.

6. The increase was most marked in the following districts :—

DISTRICT.	As compared with 1872.	As compared with average of 1870-71-72.
Sháhpúr	32 per cent.	19 per cent.
Multán	28 „	20 „
Fírozpúr	26 „	17 „
Sirsa	32 „	34 „
Derah Ismail Khán	20 „	14 „
Muzaffargarh	19 „	27 „
Hissár	17 „	11 „

The third column is added as giving a truer view of the actual growth of litigation in these districts.

The large increase in Sháhpúr is attributed by the Deputy Commissioner to the unusual slackness of litigation in 1872, in consequence of the sickness that prevailed. The increase upon the average of the last three years is not so striking.

The increase in Fírozpúr is due to the transfer of suits connected with land in certain parganahs of the district from the Settlement to the Civil Courts, upon completion of settlement operations. The increase in Multán is said to be due to the influx of laborers to the Indus Valley State Railway works, and the number of petty suits brought against a particular contractor.

In Muzaffargarh, of the total increase of 755 cases no less than 533 are suits brought by village money-lenders against the agriculturists, who have suffered from the Indus inundations.

In Hissár the increase is attributed by the Deputy Commissioner to the good harvest; in Sirsa to the bad harvest.

In Dera Ismail Khán reasons are conjectured, of which the increase of the judicial staff is the most plausible.

Districts in which was a decrease.

7. There has not been in any district a decrease that calls for particular remark.

In only three districts has the diminution equalled 10 per cent, viz:

Dehli	13 per cent.
Jálandhar	12 „
Pesháwar	10 „

In all three cases (entirely in Dehli and Pesháwar and partially in Jálandhar) the falling off was in suits in the Small Cause Courts. The number of institutions in Jálandhar was less than it had been since 1869.

Marked increase in certain districts in the last six years.

8. Reviewing the litigation of the several districts for the last six years, it is found that the number of Civil suits in the districts of Gurdáspur, Sirsa, Gujranwála and Sialkot has, roughly speaking, doubled in that period, viz: since 1868.

The increase in Gurdáspur is partially accounted for by the addition to the district of the Batálah tahsíl in 1869. In this district during the year under report there has been a decrease in institutions upon the average of the last three years of 8 per cent.

9. A gradual decrease since 1870 is observable in suits in the Jhang district, which is the more striking when the increase in the adjoining district of Sháhpur is considered.

10. The stationary character of the litigation in Kohát is remarkable, the suits for the last four years having been as follows:—

1870	1,048
1871	1,024
1872	1,032
1873	1,041

The fluctuations in the different classes of suits will be noticed below under the head of classification.

2.—DISPOSAL OF ORIGINAL SUITS.

11. The annexed Statement I shews in full detail how the original Civil work of the several districts was disposed of. The work of Small Cause Courts is included and the results of 1872 added for purposes of comparison.

STATEMENT I

STATEMENT

1	2	3		4	5	6	7	8	9	10	11	12	13	14	15	16	17
				Number of cases on the file.				Disposed of without decree.					Decree				
													Without contest.				
Number.	Division.	District.		Pending from last year.	Instituted.	Received by transfer or re-admitted.	Total for disposal.	Transferred.	Dismissed for default.	Withdrawn with leave, under Section 97 Act VIII of 1859.	Adjusted by mutual agreement under Section 98, Act VIII of 1859.	Total.	Compromised.	Decreed on confession.	Decreed *ex-parte*.	Dismissed *ex-parte*.	Total.
1	Dehli	Dehli ...	1872	206	8,244	...	8,450	39	1,000	55	572	1,666	1,354	2,306	771	21	4,452
			1873	279	7,139	...	7,418	10	834	37	534	1,415	823	1,903	789	19	3,531
2		Gurgaon ...	1872	77	3,313	...	3,390	4	350	6	490	850	217	1,215	154	16	1,602
			1873	99	3,068	...	3,167	2	356	16	596	970	83	1,214	121	15	1,433
3		Karnal ...	1872	141	3,357	...	3,498	4	497	6	749	1,256	...	1,119	207	11	1,337
			1873	116	3,695	...	3,811	...	522	11	969	1,502	...	1,123	209	18	1,350
		Total ...	1872	424	14,914	...	15,338	47	1,847	67	1,811	3,772	1,571	4,640	1,132	48	7,391
			1873	494	13,902	...	14,396	12	1,712	64	2,099	3,887	906	4,240	1,119	52	6,317
		Difference ...		+70	—1,012	...	—942	—35	—135	—3	+288	+115	—665	—400	—13	+4	—1,074
4	Hissar	Hissar ...	1872	31	2,242	...	2,273	1	189	13	348	501	76	1,028	134	6	1,244
			1873	20	2,737	13	2,750	...	254	17	522	793	38	1,075	160	6	1,279
5		Rohtak ...	1872	31	2,637	1	2,669	1	186	11	403	601	361	676	199	7	1,243
			1873	27	2,913	11	2,951	...	244	22	609	875	446	499	169	11	1,125
6		Sirsa ...	1872	30	1,400	...	1,430	...	123	4	146	273	68	369	168	6	611
			1873	41	1,848	16	1,905	1	208	15	189	413	243	353	155	17	768
		Total ...	1872	92	6,279	1	6,372	2	448	28	897	1,375	505	2,073	501	19	3,098
			1873	88	7,478	40	7,606	1	706	54	1,320	2,081	727	1,927	481	34	3,172
		Difference ...		—4	+1,199	+39	+1,234	—1	+258	+26	+423	+706	+222	—146	—17	+15	+74
7	Ambalah	Ambalah ...	1872	384	9,207	...	9,591	...	1,624	191	978	2,793	671	1,838	715	83	3,307
			1873	292	9,523	174	9,989	2	1,509	147	1,170	2,828	877	1,800	752	72	3,501
8		Ludiannah	1872	252	8,644	...	8,896	...	1,030	109	983	2,122	265	2,634	417	21	3,337
			1873	329	8,413	...	8,742	3	1,183	83	1,071	2,340	357	2,044	342	32	2,775
9		Simla ...	1872	44	3,064	...	3,108	1	266	55	296	618	53	397	453	52	955
			1873	63	3,144	1	3,208	4	284	35	359	682	65	518	514	24	1,211
		Total ...	1872	680	20,915	...	21,595	1	2,920	355	2,257	5,533	989	4,869	1,585	156	7,599
			1873	684	21,080	175	21,939	9	2,976	265	2,600	5,850	1,299	4,362	1,608	128	7,397
		Difference ...		+4	+165	+175	+344	+8	+56	—90	+343	+317	+310	—507	+23	—28	—202
10	Jalandhar	Jalandhar	1872	793	13,532	...	14,325	1	3,828	84	1,001	4,914	226	2,812	1,190	206	4,434
			1873	652	11,817	327	12,796	...	2,964	124	1,090	4,178	1,148	1,149	895	64	3,256
11		Hoshiarpur	1872	1,796	17,321	...	19,117	19	2,667	3	2,842	5,531	78	4,176	1,018	448	5,720
			1873	1,817	17,162	50	19,029	...	3,056	32	2,516	5,614	81	3,828	1,171	48	5,131
12		Kangra ...	1872	403	7,233	...	7,636	...	1,204	182	721	2,105	102	1,825	456	21	2,354
			1873	236	6,743	...	6,979	...	1,056	118	596	1,764	64	1,411	405	49	1,929
		Total ...	1872	2,992	38,086	...	41,078	20	7,697	269	4,564	12,550	406	8,813	2,614	675	12,508
			1873	2,705	35,722	377	38,804	...	7,080	274	4,202	11,556	1,296	6,388	2,471	161	10,316
		Difference ...		—287	—2,364	+377	—2,274	—20	—617	+5	—362	—994	+890	—2,425	—143	—514	—2,192
13	Amritsar	Amritsar ...	1872	857	14,093	...	14,950	...	3,833	120	826	4,779	1,056	2,489	856	75	4,476
			1873	892	14,695	...	15,587	...	3,941	117	1,028	5,186	1,216	2,325	843	106	4,490
14		Gurdaspur	1872	902	12,731	...	13,633	2	3,627	68	867	3,564	175	2,414	854	180	3,623
			1873	1,011	11,565	957	13,533	1	3,375	35	1,001	4,412	16	2,253	755	204	3,228
15		Sialkot ...	1872	757	18,562	...	19,319	...	3,781	44	1,827	5,652	225	5,402	1,920	75	7,622
			1873	838	17,755	...	18,593	...	3,847	24	1,801	5,672	137	4,973	1,893	124	7,127
		Total ...	1872	2,516	45,356	...	47,902	2	11,241	232	3,520	14,995	1,456	10,305	3,630	330	15,721
			1873	2,711	44,015	957	47,713	1	11,163	206	3,830	15,200	1,369	9,551	3,491	434	14,845
		Difference ...		+226	—1,371	+957	—189	—1	—78	—26	+310	+205	—87	—754	—139	+104	—876
16	Lahore	Lahore ...	1872	800	13,955	...	14,735	2	2,614	82	798	3,496	2,756	2,119	1,446	66	6,387
			1873	495	14,897	1	15,393	...	2,375	89	712	3,176	2,997	2,330	1,450	35	6,812
17		Firozpur ...	1872	298	8,036	...	8,334	1	972	213	835	2,021	122	2,657	567	41	3,387
			1873	210	10,199	6	10,445	5	1,072	322	1,062	2,461	374	2,659	550	45	3,628
18		Gujranwala	1872	117	9,104	...	9,521	...	1,364	61	309	1,734	739	2,571	461	146	3,917
			1873	435	8,713	15	9,163	...	1,501	44	343	1,891	759	2,322	437	55	3,573
		Total ...	1872	1,515	31,095	...	32,610	3	4,950	356	1,942	7,251	3,617	7,347	2,474	253	13,69
			1873	1,170	33,809	22	35,001	5	4,951	419	2,117	7,522	4,130	7,311	2,437	135	14,013
		Difference ...		—345	+2,714	+22	+2,391	+2	+1	+93	+175	+271	+513	—36	—37	—118	+32

I.

18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34
PASSED.								AVERAGE NUMBER OF DAYS EACH CASE LASTED.								
	With contest.															
For plaintiff in whole or part.	For defendant.	TOTAL.	Referred to arbitration.	Grand total disposed of—	Pending at end of year.	Over two months.	Over four months.	Contested.	Uncontested.	General average duration.	Plaints rejected or returned.	Miscellaneous cases disposed of.	Number of witnesses who appeared without summons.	Number of witnesses who appeared on summons, including parties summoned.	Number of applications for review.	Average number of days the parties, either or both of them, had to attend Court.
1,465	540	2,005	48	1,871	279	21	7	18	17	11	55	6,490	5,418	10,234	211	3
1,615	553	2,168	92	7,209	209	2	1	17	11	13	61	6,551	5,181	9,554	172	2
520	279	799	40	3,291	99	8	1	34	16	16	25	3,519	3,044	7,293	4	2
464	204	668	61	3,132	35	...	...	29	14	19	99	3,314	2,772	4,575	4	2
460	224	684	105	3,382	116	2	...	27	19	13	110	2,635	2,458	5,299	21	3
490	260	750	90	3,692	119	...	...	27	24	25	99	2,947	2,712	4,704	10	2
2,445	1,043	3,488	193	14,844	494	34	8	21	14	17	423	12,644	10,920	22,826	236	3
2,569	1,017	3,586	243	14,033	363	2	1	21	14	17	259	12,842	10,665	18,833	186	2
+124	—26	+98	+50	—811	—131	+29	—7	—3	...	...	—164	+198	-255	-3,993	—50	—1
295	151	446	62	2,253	20	...	...	16	10	12	29	1,607	2,461	3,287	11	2
368	224	592	53	2,717	33	1	...	16	9	11	75	1,872	2,909	4,246	7	3
526	253	779	19	2,642	27	...	...	23	10	15	109	2,468	3,333	4,695	22	3
591	296	887	24	2,911	40	1	...	24	12	17	104	2,425	4,011	5,594	8	3
314	150	464	41	1,389	41	...	...	22	17	19	13	909	1,786	2,504	13	3
324	299	623	64	1,868	37	...	...	24	20	22	16	1,240	2,388	3,159	37	3
1,135	554	1,689	122	6,284	88	...	...	21	11	15	151	4,984	7,580	10,486	46	3
1,283	819	2,102	141	7,496	110	2	...	21	12	16	195	5,537	9,308	12,999	52	3
+148	+265	+413	+19	+1,212	+22	+2	...	...	+1	+1	+44	+553	+1,728	+2,513	+6	...
1,896	1,050	2,940	253	9,299	292	2	...	23	15	18	203	6,591	10,345	17,921	101	3
2,017	1,001	3,018	339	9,686	303	2	...	22	16	19	230	6,707	9,334	18,135	139	3
1,909	1,109	3,015	93	8,567	329	7	...	23	17	20	266	5,012	7,106	18,370	48	3
1,820	1,196	3,016	90	8,221	521	81	...	25	19	22	326	6,114	6,282	19,209	99	4
1,177	266	1,443	29	3,045	63	2	1	11	12	11	109	2,085	1,463	4,475	5	2
1,030	279	1,309	22	3,136	73	8	...	12	18	14	71	2,063	1,321	4,285	32	3
4,979	2,425	7,404	375	20,911	681	11	1	20	15	18	578	13,688	18,914	40,776	149	3
4,867	2,476	7,343	452	21,042	897	86	...	21	17	18	627	14,884	16,937	41,627	270	3
—112	+51	—61	+77	+131	+213	+75	—1	+1	+2	...	+49	+1,196	—1,977	+861	+121	...
2,702	1,440	4,142	183	13,673	652	9	1	28	20	24	135	8,404	8,632	11,688	135	3
3,093	1,306	4,399	211	12,044	762	2	11	27	20	24	347	8,457	8,410	17,699	172	2
4,359	1,521	5,880	169	17,300	1,817	277	170	24	18	21	207	9,314	9,169	37,126	106	2
5,057	1,774	6,831	196	17,772	1,267	155	1	36	28	33	270	9,436	8,691	32,979	147	2
1,822	978	2,800	141	7,400	236	3	...	25	21	22	112	3,101	5,120	12,368	51	3
2,026	960	2,986	130	6,809	170	3	...	19	14	17	182	3,306	4,803	12,813	75	3
8,883	3,939	12,822	194	38,373	2,705	289	171	25	19	22	754	21,119	22,861	61,182	292	3
10,176	4,040	14,216	537	36,625	2,179	190	15	29	23	27	799	21,199	21,934	63,521	394	2
+1,293	+101	+1,394	+44	—1,748	—526	-99	—156	+4	+4	+5	+45	+80	—927	+2,339	+102	—1
3,127	1,497	4,624	179	14,058	892	41	5	27	27	27	150	8,516	7,852	16,512	429	3
3,232	1,398	4,630	198	14,434	1,153	109	18	31	34	32	163	7,889	7,199	20,244	143	4
2,855	1,393	4,248	157	12,622	1,011	8	...	35	37	35	214	5,365	7,971	14,192	159	5
3,364	1,660	5,024	160	12,821	709	8	...	29	32	31	205	5,224	8,351	20,748	216	4
4,198	769	4,967	240	18,481	838	4	...	21	20	20	6	10,190	7,932	13,441	81	4
3,728	1,049	4,777	247	17,523	770	...	...	21	17	19	...	10,643	9,863	15,509	108	3
10,180	3,659	13,839	606	45,161	2,741	53	5	27	26	27	400	24,071	23,758	44,115	669	4
10,324	4,107	14,431	605	45,081	2,632	117	18	28	26	26	368	23,756	25,713	56,501	767	3
+144	+448	+592	-1	—80	—109	+64	+13	+1	..	1	—32	—315	+1,955	+12,356	+98	—1
2,848	1,403	4,251	126	11,260	495	16	5	20	16	18	295	9,389	9,346	15,651	311	3
3,084	1,465	4,549	179	14,702	691	17	7	18	11	15	195	9,050	10,013	21,935	254	3
1,618	796	2,414	272	8,094	210	..	...	17	16	17	16	8,090	7,278	14,226	145	3
2,527	1,095	3,622	398	10,109	336	...	...	15	11	17	7	7,098	10,421	12,957	176	3
2,285	995	3,280	155	9,086	435	2	...	21	23	22	27	8,536	5,825	6,659	138	2
2,101	968	3,069	156	8,689	471	17	...	23	27	25	47	6,292	5,175	8,211	93	2
6,751	3,194	9,945	553	31,140	1,170	18	5	20	18	19	336	20,015	22,119	36,536	627	3
7,712	3,528	11,240	725	33,500	1,501	34	7	19	18	19	219	22,440	25,609	43,103	523	3
+961	+334	+1,295	+172	+2,060	+331	+16	+2	—1	...	...	—117	—3,575	+3,160	+6,567	—104	...

STATEMENT

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
			Number of cases on the file.				Disposed of without decree.					Decree				
												Without contest.				
Number.	Division.	District.	Pending from last year.	Instituted.	Received by transfer or re-submitted.	Total for disposal.	Transferred.	Dismissed for default.	Withdrawn with leave under section 97, Act VIII of 1859.	Adjusted by mutual agreement under section 98 Act VIII of 1859.	Total.	Compromised.	Decreed on confession.	Decreed *ex-parte*.	Dismissed *ex-parte*.	Total.
19	Rawalpindi	Rawalpindi 1872	165	8,619	...	8,784	...	832	139	1,202	2,173	123	1,876	713	5	2,717
		Rawalpindi 1873	196	8,915	62	9,173	1	989	190	1,166	2,346	87	1,932	776	8	2,803
20	Rawalpindi	Jhelam 1872	151	3,901	...	4,055	1	480	148	496	1,075	283	661	168	19	1,131
		Jhelam 1873	93	4,378	3	4,474	1	378	139	540	1,058	266	624	182	30	1,102
21	Rawalpindi	Gujrat 1872	383	6,745	...	7,128	...	1,135	109	668	1,912	48	1,792	192	15	2,047
		Gujrat 1873	386	6,835	79	7,300	...	1,408	85	678	2,171	2	1,856	217	24	2,099
22	Rawalpindi	Shahpur 1872	172	3,961	...	4,133	...	415	206	751	1,372	1	1,362	154	...	1,517
		Shahpur 1873	149	5,233	82	5,464	...	613	194	993	1,800	33	1,516	245	...	1,794
	Rawalpindi	Total 1872	871	23,229	...	24,100	1	2,812	602	3,117	6,532	455	5,691	1,227	39	7,412
		Total 1873	824	25,361	226	26,411	2	3,388	608	3,377	7,375	388	5,928	1,420	62	7,798
		Difference	—47	+2,132	+226	+2,311	+1	+576	+6	+260	+843	—67	+237	+193	+23	+386
23	Multan	Multan 1872	76	3,100	...	3,176	1	341	41	217	600	472	906	161	14	1,553
		Multan 1873	90	3,970	...	4,060	41	562	87	361	1,001	492	1,078	298	20	1,888
24	Multan	Jhang 1872	102	4,416	...	4,518	4	694	48	995	1,741	537	589	236	45	1,407
		Jhang 1873	141	4,131	...	4,272	...	662	296	484	1,442	663	457	281	62	1,463
25	Multan	Montgomery 1872	51	3,841	...	3,892	4	576	31	626	1,237	16	1,039	241	71	1,367
		Montgomery 1873	116	4,065	31	4,212	2	682	28	807	1,519	6	1,285	223	63	1,527
26	Multan	Muzaffargarh 1872	117	3,711	1	3,829	1	709	7	680	1,397	489	930	191	5	1,615
		Muzaffargarh 1873	144	4,446	...	4,590	37	1,252	34	659	1,982	371	993	209	27	1,600
	Multan	Total 1872	346	15,068	1	15,415	10	2,320	127	2,518	4,975	1,514	3,464	829	135	5,942
		Total 1873	491	16,612	31	17,134	80	3,158	395	2,311	5,944	1,532	3,763	1,011	172	6,478
		Difference	+145	+1,544	+30	+1,719	+70	+838	+268	—207	+969	+18	+299	+182	+37	+536
27	Derajat	Bannu 1872	212	4,172	...	4,384	...	416	192	336	944	284	686	100	8	1,138
		Bannu 1873	96	4,014	...	4,110	...	420	281	316	1,017	240	753	156	17	1,166
28	Derajat	D. Ismail Khan 1872	141	5,243	...	5,384	15	887	112	646	1,660	216	1,329	437	30	2,012
		D. Ismail Khan 1873	144	6,322	...	6,466	...	1,126	94	680	1,900	240	1,518	574	...	2,332
29	Derajat	D. Ghazi Khan 1872	103	5,258	...	5,361	1	427	76	974	1,478	420	1,307	175	6	1,908
		D. Ghazi Khan 1873	98	5,800	...	5,898	11	505	232	1,103	1,851	86	1,244	253	21	1,604
	Derajat	Total 1872	456	14,673	...	15,129	16	1,730	380	1,956	4,082	920	3,322	772	44	5,058
		Total 1873	338	16,136	...	16,474	11	2,051	607	2,099	4,768	566	3,515	983	38	5,102
		Difference	—118	+1,463	...	+1,345	—5	+321	+227	+143	+686	—354	+193	+211	—6	+44
30	Peshawar	Peshawar 1872	122	5,526	...	5,648	1	508	84	652	1,245	220	1,451	477	34	2,182
		Peshawar 1873	109	4,996	1	5,106	2	484	85	623	1,194	320	1,016	379	61	1,776
31	Peshawar	Hazara 1872	112	1,754	7	1,873	35	247	62	132	476	219	250	138		607
		Hazara 1873	87	1,703	...	1,790	5	358	48	108	519	274	287	149	3	713
32	Peshawar	Kohat 1872	10	1,031	...	1,041	...	123	37	101	261	91	372	41	...	504
		Kohat 1873	27	1,041	...	1,068	1	105	17	129	252	146	321	65	...	532
	Peshawar	Total 1872	178	8,311	7	8,562	36	878	183	885	1,982	530	2,073	656	34	3,293
		Total 1873	223	7,740	1	7,964	8	947	150	860	1,965	740	1,624	593	64	3,021
		Difference	+45	—571	—6	—598	—28	+69	—33	—25	—17	+210	—449	—63	+30	—272
		Grand Total 1872	10,136	2,17,956	9	2,28,101	138	36,848	2,599	23,467	63,047	11,963	52,597	15,420	1,733	81,713
		Grand Total 1873	9,758	2,21,855	1,829	2,33,442	129	38,132	3,072	24,815	66,148	12,953	48,609	15,617	1,280	78,459
		Difference	—378	+3,899	+1,820	+5,341	—9	+1,289	+473	+1,348	+3,101	+990	—3,988	+197	—453	—3,254

I.—*concluded.*

18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34
PASSED.								AVERAGE NUMBER OF DAYS EACH CASE LASTED.								
With contest.																
For plaintiff in whole or part.	For defendant.	TOTAL.	Referred to arbitration.	Grand total disposed of.	Pending at end of year.	Over two months.	Over four months.	Contested.	Uncontested.	General average duration.	Plaints rejected or returned.	Miscellaneous cases disposed of.	Number of witnesses who appeared without summons.	Number of witnesses who appeared on summons, including parties summoned.	Number of applications for review.	Average number of days the parties, either or both of them, had to attend Court.
2,331	1,146	3,477	221	8,588	196	12	...	20	30	24	358	3,902	7,906	15,182	11	2
2,473	1,132	3,605	191	8,945	228	13	1	22	18	27	119	3,906	7,672	15,392	5	2
967	689	1,656	100	3,962	93		4	19	16	17	221	1,588	4,422	14,367	10	3
1,314	707	2,021	152	4,333	141	4	...	23	18	21	86	1,933	5,024	15,989	36	3
1,585	1,024	2,609	174	6,742	386	14	...	23	20	21	156	3,564	3,175	7,369	1	2
1,346	899	2,245	259	6,774	526	40	...	30	27	29	164	3,828	3,310	8,443	11	3
654	378	1,032	63	3,084	149	2	...	29	16	21	174	1,802	1,681	404	13	3
1,079	473	1,552	73	5,219	245	...	...	23	16	20	221	2,319	2,256	2,239	17	3
5,537	3,237	8,774	558	23,276	824	28	4	22	22	22	909	10,851	17,184	37,312	35	2
6,212	3,211	9,423	675	25,271	1,140	57	1	24	26	25	589	11,986	18,262	42,063	69	3
675	—26	+649	+117	+1,995	+316	+29	—3	+2	+4	+3	—320	+1,135	+1,078	+4,751	+34	+1
583	254	837	96	3,086	90	...	3	15	12	13	111	1,228	1,072	4,710	42	3
633	284	917	120	3,926	134	4	3	18	13	15	21	1,526	1,535	6,045	18	3
763	393	1,156	73	4,377	141	...	...	28	19	23	32	2,228	1,831	5,201	52	3
776	406	1,182	54	4,141	131	3	...	28	20	23	46	2,808	1,550	4,591	134	3
812	285	1,097	75	3,776	116	12	...	21	15	18	119	2,261	2,255	2,520	29	4
662	306	968	100	4,114	98	9	...	31	16	22	24	2,391	2,688	2,045	24	4
387	182	569	104	3,685	144	...	1	30	31	31	48	1,780	1,011	4,576	25	3
619	211	830	66	4,478	112	3	...	30	42	38	30	1,981	773	5,761	6	4
2,545	1,114	3,659	348	14,924	491	12	4	24	19	21	310	7,497	6,169	17,007	148	3
2,690	1,207	3,897	340	16,659	475	19	3	27	22	24	121	8,706	6,546	18,442	182	4
+145	+93	+238	—8	+1,735	—16	+7	—1	+3	+3	+3	—189	+1,209	+377	+1,435	+34	+1
1,334	688	2,022	184	4,288	96	1	...	21	20	20	23	2,871	1,522	8,196	35	4
1,093	516	1,605	207	3,999	111	3	...	17	21	15	23	1,705	7,617	1,904	14	3
1,064	397	1,461	107	5,240	144	3	...	23	17	20	24	2,014	915	8,642	20	3
1,500	434	1,934	87	6,253	213	5	...	17	14	15	19	2,455	1,040	10,826	24	2
1,358	335	1,693	184	5,263	98	2	...	18	16	17	2	2,089	942	13,201	26	3
1,680	371	2,051	190	5,696	202	8	...	13	15	14	7	2,151	1,690	11,900	21	3
3,756	1,420	5,176	475	14,791	338	6	...	20	17	19	49	6,974	3,379	30,039	81	3
4,273	1,321	5,594	484	15,948	526	16	...	15	14	15	49	6,321	10,347	24,630	59	3
+517	—99	+418	+9	+1,151	+188	+10	...	—5	—3	—4	...	—653	+6,968	—5,409	—22	...
1,230	719	2,049	63	5,539	109	3	...	17	15	16	124	3,714	3,516	10,059	173	3
1,334	620	1,954	46	4,970	136	2	3	15	14	15	28	3,223	3,606	8,483	121	3
512	128	640	63	1,786	87	3	...	22	17	19	7	1,069	477	3,104	8	2
335	98	433	41	1,706	84	2	...	23	15	18	3	1,005	395	3,206	3	2
154	83	237	12	1,014	27	4	...	30	31	31	3	682	116	1,455	1	2
174	93	267	11	1,062	6	1	1	26	24	33	...	697	280	1,387	2	2
1,996	930	2,926	138	8,339	223	10	...	19	18	19	134	5,166	4,109	14,618	182	2
1,843	811	2,654	98	7,733	226	5	4	18	18	18	31	4,925	4,281	13,076	126	2
—153	—119	—272	—40	—601	+3	—5	+4	—1	...	—1	—103	—540	+172	—1,542	—56	...
48,207	21,515	69,722	3,861	2,18,343	9,758	458	198	23	19	21	4,044	1,33,308	1,37,323	3,14,917	2,465	3
51,949	22,537	74,486	4,300	2,23,393	10,049	528	49	24	20	22	3,257	1,32,596	1,49,602	3,34,795	2,628	3
+3,742	+1,022	+4,764	+439	+5,050	+291	+70	—149	+1	+1	+1	—787	—712	+12,279	+19,878	+163	...

Imperial Return No. 8 of appendix I gives an abstract of this Statement, and is arranged according to the class of Courts instead of according to Districts.

Total number of suits for disposal.

12. Including the 9,758 cases pending from the previous year, and 1,829 cases received by transfer or re-admitted, there was a total number of cases for disposal of 2,33,442. It must be here explained that, by a recent order of the Chief Court, cases which have been disposed of on default or *ex-parte* and have been again re-admitted under the provisions of Sections 110 and 119 of the Civil Procedure Code, are now for the first time included in the Civil Statement and shewn under head of "re-admitted."

Suits disposed of.

13. Of the total suits for disposal, 2,23,393 were disposed of during the year being 2·3 per cent in excess of the number disposed of in 1872 ; and the moderate number 10,049 were pending at the close of the year.

Of the grand total disposed of, 66,148 (being 29 per cent) were disposed of without decree, *viz* : by transfer, dismissal on default, withdrawal, and mutual adjustment.

In 1,52,945, being 68 per cent, decree was passed. The remaining 4,300 are shewn as disposed of by being referred to arbitration ; of these a portion were really pending at the close of the year, and are included in pending cases (column 23), and in those that were really disposed of a decree was for the most part passed though the cases are shewn separately in the statement.

Of the 1,52,945 in which decree was passed, it may be said roughly that half were contested and half uncontested,—78,459 being without contest, and 74,486 with contest.

Thus, about one-third only, or 33 per cent, of the litigation of the province is adjudicated by the Courts upon evidence.

The proportion of contested cases to litigation disposed of in the North West Provinces for 1872 was 38 per cent.

Details of disposal.

14. The annexed table (A) gives a comparative view of the details of disposal in the several districts,

Statement showing disposal of Original Civil work.

Table A.

1	2	3	4	5	6	7	8	9	10
		Per-centage of cases.					Contested and decided.		
District.	Year.	Dismissed on default.	Decided *ex-parte*.	Decided by confession.	By compromise, including adjustments under Section 98, C C P	By arbitration.	In favor of plaintiff.	In favor of defendant.	Per-centage of contested cases decided in favor of plaintiff to the number contested.
Delhi ...	1872	12	10	28	23	·6	18	7	
	1873	11	11	26	19	1·3	22	8	74
Gurgáon ...	1872	10	5	37	21	1·2	16	9	
	1873	11	4	38	22	2·0	15	6	69
Karnál ...	1872	14	7	33	22	3·0	14	7	
	1873	14	6	30	26	2·2	14	7	65
Hissár ...	1872	6	6	46	19	2·7	13	7	
	1873	9	6	40	20	2 0	13	8	62
Rohtak ...	1872	7	8	26	29	·7	20	10	
	1873	8	5	17	36	·8	20	10	66
Sirsa ...	1872	9	13	26	16	3·0	23	11	
	1873	11	8	19	23	3·4	17	16	52
Ambálah ...	1872	17	9	20	18	2·7	20	11	
	1873	16	8	19	21	3·5	21	13	66
Ludhiánah ...	1872	12	5	31	14	1·1	22	13	
	1873	14	4	25	17	1·0	22	15	60
Simla ...	1872	8	17	13	11	·9	39	9	
	1873	9	16	16	13	·7	33	9	78
Jálandhar ...	1872	28	10	20	9	1·3	20	11	
	1873	25	7	9	19	1·7	25	11	70
Hoshiárpúr ...	1872	15	8	24	17	1·0	25	9	
	1873	17	7	22	14	1·1	28	9	74
Káugra ...	1872	16	6	25	11	1·9	25	13	
	1873	15	6	21	9	2 0	30	14	67
Amritsar ...	1872	27	7	18	13	1·3	22	10	
	1873	27	6	16	15	1·3	23	10	69
Gurdáspúr ...	1872	29	8	19	9	1 5	22	11	
	1873	20	6	18	8	1·2	26	13	66
Sialkót ...	1872	20	11	29	11	1·3	23	4	
	1873	21	11	28	11	1·3	21		78
Lahore ...	1872	18	11	15	25	·9	20	10	
	1873	16	10	16	25	1·1	21	10	65
Firozpúr ...	1872	12	7	33	12	3·4	20	10	
	1873	11	5	26	14	3·9	25	11	69
Gujranwála ...	1872	15	7	28	11	1·7	25	11	
	1873	17	5	27	15	1 8	24	11	68
Ráwalpindi ...	1872	10	8	22	15	2·6	27	13	
	1873	11	9	22	14	2·1	28	13	68
Jhelam ...	1872	11	5	17	20	2·5	24	17	
	1873	9	4	15	30	3·5	30	16	65
Gujrát ...	1872	17	3	27	11	2·6	23	15	
	1873	21	3	27	10	3·8	20	13	59
Shahpúr ...	1872	10	4	34	19	1·6	16	10	
	1873	11	5	29	20	1 4	21	9	69

1	2	3	4	5	6	7	8	9	10
District.	Year.	Per-centage of cases.					Contested and decided.		Per-centage of contested cases decided in favor of plaintiff to the number contested.
		Dismissed on Default.	Decided *ex-parte*.	Decided by confession.	By compromise, including adjustments, under Section 98, C. C. P.	By arbitration.	In favor of plaintiff.	In favor of defendant.	
Multán ...	1872	11	6	29	22	3·1	19	8	
	1873	14	7	27	22	3·1	16	7	69
Jhang ...	1872	16	6	13	35	1·7	17	9	
	1873	16	7	11	27	1·3	19	9	65
Montgomery ...	1872	15	8	27	17	2·0	21	8	
	1873	16	5	30	19	2·4	16	7	68
Muzaffargarh ...	1872	19	5	25	32	2·8	10	5	
	1873	28	5	20	23	1·5	14	5	74
Bannú ...	1872	10	4	16	15	4·3	31	16	
	1873	11	4	19	14	5·1	27	13	67
Derah Ismail Khán ...	1872	17	9	25	16	2·0	20	8	
	1873	18	9	24	15	1·4	24	7	77
Derah Ghazi Khán ...	1872	8	3	25	26	3·5	26	6	
	1873	9	4	22	21	3·3	29	6	81
Peshawar ...	1872	9	9	26	16	1·1	24	13	
	1873	9	7	20	19	·9	27	12	68
Hazára ...	1872	14	8	14	20	3·5	29	7	
	1873	21	9	16	22	2·4	19	5	77
Kohát ...	1872	12	4	36	19	1·2	15	8	
	1873	10	6	30	26	1·0	16	9	65
Total ...	1872	17	8	24	16	1·8	22	10	
	1873	17	7	21	17	1·9	23	10	

15. The proportion of cases dismissed on default is for the province the same as it was for last year, *viz.* 17 per cent.

Suits dismissed on default.

The per-centage of cases so disposed of is high, as it was last year, in Jálandhar and Amritsar, and also in Muzaffargurh.

The Deputy Commissioner of Jálandhar notices that in twelve Courts of the district the proportion exceeded 20 per cent, while in the Court of Hadi Hussain as Small Cause Court Judge, it was as high as 41. This he attributes to the extensive area and jurisdiction of the Small Cause Court, coupled with the character of the suits ; and he is generally of opinion that the high per-centage is due rather to the nature of the litigation and character of the litigants than to carelessness in procedure on the part of the Court.

The high per-centage in Amritsar is not specially explained ; but the Commissioner of Amritsar expresses his full concurrence with the Deputy Commissioner of Gurdáspur, who attributes a large proportion of dismissals on default to slack

procedure on part of the Courts, in unnecessarily postponing cases, and in failing to give due notice to the parties of the adjourned date. The Deputy Commissioner's remarks are given in full in Appendix II.

The Deputy Commissioner of Muzaffargarh considers that a high proportion of cases dismissed by default is a favorable symptom, on the ground that the majority of such cases are really settled out of Court. It is, he states, the practice in his district to furnish parties, in all cases of adjournment, with slips of paper bearing the date fixed for hearing.

Of the total number of 38,132 cases dismissed for default there were 7,313 applications for re-admission of suit, and of these applications 5,557 were granted. In other words, in 19 per cent of the cases so dismissed petitions for re-admission were filed, and of these petitions 75 per cent were granted. The proportion of cases re-admitted to cases dismissed is 14 per cent.

These figures would seem to shew on the one hand that the law under which suits are dismissed by default is not generally used with harshness, and on the other hand that the Courts are by no means slow in granting re-admission. There is of course considerable fluctuation in this respect in different districts ; and it is noticeable that in Sháhpur, in 71 per cent of the cases dismissed for default applications for re-admission were given, and of these applications 95 per cent were admitted. So that in more than two-thirds of these dismissals the plaintiff satisfied the Court that there was sufficient cause for his non-appearance.

The opinions of officers as to whether a high proportion of cases dismissed on default is to be mainly attributed to the fault of the litigants or the fault of the Courts, is pretty evenly divided. Whatever may be the main reason, the precaution of informing the parties of any adjournment, and of giving them a memo of the date and place where the suit will next be heard, which was enjoined in a recent circular memo of the Chief Court, cannot be too carefully observed.

Suits decided ex-parte.

16. The provincial per-centage of cases decided ex-parte is 7 per cent, as compared with 8 per cent in the preceding year.

Out of the total number so disposed of (15,617), there were 1,558 applications for a re-hearing ; of which 1,001 were granted—that is, in 9 per cent of the cases thus decided were applications for re-hearing made, and of these applications 61 per cent were admitted.

In the following districts the proportion of ex-parte decisions was high :—

Simla ...	...	...	...	16 per cent.
Dehli ...	...	...	...	11 „
Sialkot ...	...	...	...	11 „
Lahore ...	...	...	...	10 „

The high per-centage in Simla is chiefly in the Small Cause Court, and is explained to be due to the fact that so many of the defendants are servants of visitors or residents, who either cannot get leave from their employers to attend Court, or who leave the station while the case is pending, or who are indifferent as to the consequences of their default.

In only 4 per cent of these cases were applications filed for re-admission.

The proportion of applications for a re-hearing was highest in Gurdaspur, being 45 per cent. Of these applications 40 per cent were admitted.

A high per-centage of ex-parte judgments is generally found in Cantonment Small Cause Courts, which may perhaps be accounted for by a reason somewhat similar to that given in the case of Simla.

Suits decided on confession of judgment.

17. The provincial proportion of cases decided on confession of judgment is 21 per cent, as compared with 24 per cent in 1872. Only cases in which the confession extends to the entire claim are supposed to be classed under this head; but the high per-centage in some of the districts, as for instance, Gurgáon and Hissár, raises a doubt as to whether this principle of classification is carefully acted upon.

In column 6 of the table under review (*viz* "suits adjusted and compromised under Section 98 Civil Procedure Code") are included all cases shewn in columns 11 and 13 of Statement I, *viz.* disposed of with or without decree.

The per-centage of such disposals for the province is 17 per cent, or 1 per cent more than last year. The per-centage is high in Jhelam district.

Suits referred to arbitration.

18. There is an increase of 10 per cent in the proportion of cases referred to arbitration.

There were 4,300 cases so referred, as compared with 3,861 in the previous year. In 4,108 of these cases judgment was given according to the award, and in 3 only was the award set aside for corruption or misconduct on part of the arbitrators under Section 324 of the Code. The rest of the cases were pending at the end of the year, or were those in which for some reason arbitration was not finally carried into effect.

In the year under report there were only 23 applications for filing in Court an award made without the intervention of the Court, under Section 327, of which 9 were in Amritsar, and 7 in Gujránwálah.

Contested suits.

19. As noticed above, contested cases form about one-third of the suits disposed of.

In the Dehli and Multán Divisions the proportion of contested cases is noticeably small, being only one-fourth of the entire litigation of the Division.

Of the suits that are contested it is found that 69 per cent, or a little over two-thirds, were decided in favor of the plaintiff.

The proportion is high in the districts of—

Derah Gházi Khán	81	per cent,
Siálkot	78	„
Simla	78	„
Derah Ismail Khán	77	„

It is lowest of all in Sirsa, being only 52 per cent.

The details of disposal having been noticed, reference is now made to the remaining particulars given in Statement I.

Pending suits.

20. The per-centage of cases pending to cases for disposal is, for the province, 4·3.

The pending file is high (as compared with other districts) in Amritsar and Gujrát, being something over 7 per cent of cases for disposal.

There were 528 cases shown as pending over two months, and 49 cases shown as pending over four months, at the close of the year.

Of these latter, 18 were in Amritsar and 11 in the Jálandhar districts.

The oldest case of all was in the Multán district, having been instituted on 3rd February 1873. The explanation given of this oldest case pending is that it stood adjourned for the decision of another suit between the same parties.

In other cases of delay explanations are given, most of which are satisfactory.

Duration of suits.

21. The general average duration of cases for the province is 22 days, or 1 day more than in 1872, which is satisfactory. The average duration of contested cases being 24, and of uncontested cases 20.

The average duration is calculated on those cases only in which decree was passed, and for the last few months of the year it has been the practice to calculate

the currency of cases re-admitted under Sections 110 and 119 of the Code from the date of original institution. This practice has now been discontinued.

There is however some question as to whether the practice in calculating the average duration of uncontested cases is uniform, and as misconstruction might possibly result from this uncertainty, comment is only made on the average duration of contested cases as to which there can be no doubt.

Duration of contested suits.

22. The districts in which this was highest are the following—

Hushiárpur	...	35 days.
Amritsar	...	31 „
Gujrát	...	30 „
Muzaffargarh	...	30 „

In the case of the two first districts (*viz.* Hushiarpur and Amritsar) the heavy Civil work accounts for the high average duration.

In both Sialkot and Lahore, which in the number of suits are equal to Amritsar, the duration is below the provincial average.

A shorter duration might fairly be looked for in Gujrat and Muzaffargarh, in neither of which districts is the Civil work heavy.

Omitting Simla, the circumstances of which are exceptional, the lowest average duration was attained in Dera Gazi Khán 13 days.

Firozpur } 15 days.
Peshâwar }

23. Connected with the duration of cases is the subject of the issue of summons for final disposal. The local reports shew that the practice is gaining ground. In the Court of the Assistant Commissioner of Hissar, in 300 out of 359 cases a summons of this nature was issued. Opinions are divided as to the expediency of the practice.

Summons for final disposal.

If followed with careful advertence to the terms of Section 145 it can hardly fail to be of advantage both to the litigants and the Courts. The subject was noticed in last year's report, and the remarks made thereon have now been circulated to all Courts.

Plaints rejected and returned.

24. 3, [illegible] cted or returned, the highest number being in

Jálandhar	347
Ludhiánâ	326
Hushiárpur	270

In places where there are Small Cause Courts, plaints are probably often returned on ground of jurisdiction.

25. Besides the original suits there were 1,32,596 miscellaneous cases disposed of by the Courts. The great bulk of these, *viz.* 1,14,661, were cases connected with execution of decree, a subject which is treated of separately ; and a portion consists of appeals from interlocutory orders under the Civil Procedure Code disposed of by Deputy Commissioners.

Miscellaneous cases.

The rest may be generally arranged as follows :—

Cases relating to mortgages, succession, intestacy, letters of administration, minors and lunatics.

Miscellaneous cases under the Civil Procedure Code, as for example—Petitions to sue as paupers, cases of contempts, and Criminal enquiries arising out of Civil suits.

References from other Courts.

These may be passed over with the following brief notice. There were 507 applications for certificates for collection of debts on succession disposed of under Act XXVII of 1860, being an increase on the number of previous years. Of these one-fifth were in the Lahore district, and one-seventh in Dehli. There were eleven districts in which no such application was made.

The law providing for the care of persons and property of minors, (Acts XL of 1858 and IX of 1861) was used most freely in the following districts :—

Pesháwar ...	...	...	...	49 cases.
Hoshiárpur	...	...	...	16 „
Ambálah ...	...	...	...	16 „

the total cases disposed of in the province being 106.

There were only 3 cases under Act XXXV of 1858, which provides for the care of the estates of lunatics, 2 being in Dehli and 1 in Pesháwar.

16 applications for probate and letters of administration, under Act X of 1865, were disposed of, of which 8 were in Simlá and 4 in Lahore.

Petitions for foreclosure or redemption of mortgage under Sections 7 and 8 of Regulation XVII of 1806, numbered 129; of these, 45 were in Gurdáspur and 26 in Kohat.

Of 58 cases of contempt of court summarily dealt with under Section 21 Act XXIII of 1861, 32 were in the Ambálah district.

26. The large number of 4,84,397 witnesses attended the Civil Courts during the year, being 32,157 in excess of the number of the preceding year. Of these, 1,49,602 came voluntarily and the rest upon summons.

Witnesses.

27. Applications for review, which are shown separately from miscellaneous cases, numbered 2,628. Of these, 29 per cent were in the Amritsar Division.

Application for review.

In Lahore, Fírozpur, Dehli and Jálandhar the number was also large. The Deputy Commissioner Jálandhar is of opinion that such applications are too freely admitted.

The statements do not shew how the applications are disposed of.

The average number of days the parties in a suit or either of them had to attend Court was 3. This is satisfactory. It is believed, however, that the day on which the plaint is filed is not included in the calculation.

This concludes the remarks upon Statement I.

3.—CLASSIFICATION OF SUITS.

28. The following Statement II shews the number of each class of original suits disposed of in the several districts during the years 1872 and 1873.

Classification.

STATEMENT II.

STATEMENT

1	2	3	4	5	6	7	8	9	10
	Money due.								
	On written promise for sum certain.								
DISTRICTS.	Registered.	Unregistered.	On unwritten promise for sum certain.	On account stated.	For money paid and received.	For goods sold and delivered.	For breaches of contract not included in the above.	Suits for rent other than of land.	Recovery of personal property or value thereof.
Dehli ... 1872	279	1,891	1,494	1,839	123	714	147	333	297
Dehli ... 1873	282	1,815	1,416	1,317	66	630	81	241	326
Gurgáon ... 1872	269	327	858	1,011	...	...	...	24	73
Gurgáon ... 1873	238	240	811	888	2	...	1	54	192
Karnál ... 1872	236	516	442	1,175	38	2	6	47	216
Karnál ... 1873	281	568	580	1,170	2	1	2	43	205
Total ... 1872	784	2,734	2,794	4,025	161	716	153	404	586
Total ... 1873	801	2,623	2,807	3,375	70	631	84	338	723
Difference ...	+17	—111	+13	—650	—91	—85	—69	—66	+137
Hissár ... 1872	164	294	407	670	2	2	1	46	116
Hissár ... 1873	193	293	563	866	9	3	2	40	209
Rohtak ... 1872	226	608	244	703	2	...	...	18	115
Rohtak ... 1873	206	629	313	685	...	...	...	20	212
Sirsa ... 1872	47	82	201	464	13	1	...	4	96
Sirsa ... 1873	41	81	346	583	17	8	...	2	186
Total ... 1872	437	984	852	1,841	17	3	1	68	327
Total ... 1873	440	1,003	1,222	2,134	26	11	2	62	607
Difference ...	+3	+19	+370	+293	+9	+8	+1	—6	+280
Ambálah ... 1872	431	1,619	1,487	2,166	39	77	15	167	688
Ambálah ... 1873	583	1,567	2,423	1,845	55	89	30	172	717
Ludiánah ... 1872	199	2,556	1,456	1,118	9	431	16	62	905
Ludiánah ... 1873	241	2,187	1,464	968	25	465	6	115	1,047
Simlah ... 1872	38	797	276	312	59	645	375	148	173
Simlah ... 1873	41	863	327	420	72	571	451	114	139
Total ... 1872	668	4,972	3,219	3,591	107	1,153	406	372	1,766
Total ... 1873	865	4,617	4,214	3,233	152	1,125	487	401	1,903
Difference ...	+197	—355	+995	—358	+45	—28	—81	+29	+137
Jálandhar ... 1872	696	6,358	1,687	775	766	506	17	122	716
Jálandhar ... 1873	555	5,221	2,172	684	104	306	1	159	812
Hushiárpur ... 1872	741	8,229	2,788	378	114	84	66	119	1,561
Hushiárpur ... 1873	1,347	7,755	2,817	484	106	112	33	95	1,093
Kángra ... 1872	161	2,093	2,126	730	12	54	6	28	569
Kángra ... 1873	224	1,737	1,943	739	18	1	8	34	786
Total ... 1872	1,598	16,680	6,601	1,883	892	644	89	269	2,846
Total ... 1873	2,126	14,713	6,932	1,907	228	419	42	288	2,691
Difference ...	+528	—1,967	+331	+24	—664	—225	—47	+19	—155
Amritsar ... 1872	647	4,045	2,946	2,154	260	391	27	116	684
Amritsar ... 1873	700	4,739	3,195	1,158	46	952	238	99	974
Siálkot ... 1872	935	8,244	4,224	3,310	5	...	4	71	125
Siálkot ... 1873	988	6,566	4,349	3,917	3	3	3	57	382
Gurdáspur ... 1872	576	4,754	3,077	1,408	35	27	...	101	266
Gurdáspur ... 1873	651	4,715	3,138	1,681	12	47	1	42	128
Total .. 1872	2,158	17,043	10,247	6,872	300	418	31	288	1,075
Total .. 1873	2,339	16,020	10,982	6,756	61	1,002	242	198	1,484
Difference ..	+181	—1,023	+735	—116	—239	+584	+211	—90	+389
Lahore ... 1872	604	4,992	2,135	1,686	49	1,782	112	158	278
Lahore ... 1873	599	5,124	3,229	2,166	...	1,382	4	154	403
Gujránwálah ... 1872	427	3,640	1,858	1,838	50	119	59	41	299
Gujránwálah ... 1873	284	3,696	1,693	1,861	49	53	55	83	147
Firozpur ... 1872	483	1,246	2,297	1,810	215	196	2	65	274
Firozpur ... 1873	749	1,521	2,384	2,748	80	28	8	47	516
Total ... 1872	1,514	9,878	6,590	5,334	804	2,097	173	264	851
Total ... 1873	1,632	10,341	7,306	6,775	129	1,463	67	284	1,066
Difference ...	+118	+463	+716	+1,441	—675	—634	—106	+20	+215

No. II.

11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27
SUITS FOR DAMAGES.										SUITS RELATING TO MARRIAGE, DOWER AND DIVORCE.						
For injuries to the person.	For injuries to property.	For defamation.	For other injuries not included in above.	Suits to compel specific performance of contracts.	Suits to set aside contracts and obligations on account of fraud, mistake or accident.	Suits to compel or prevent particular acts by way of *mandamus* or injunction.	Suits to settle partnership and other accounts.	Suits connected with religion and caste.	Suits relating to administration of trusts and religious endowments.	Suits connected with betrothal.	Suits for custody of wives.	Other suits.	Suits to establish or dispute adoption.	Suits regarding custody and guardianship of infants and lunatics.	Other suits to declare or establish personal rights.	Suits to establish or contest wills.
5	95	2	46	2	1	...	20	...	...	...	25	9	2	...	33	...
5	46	...	30	...	6	...	18	...	...	4	16	1	1	2	13	...
2	6	...	2	...	4	...	1	...	...	4	4	1	...	...	5	...
15	30	...	5	18	2	...	...	...	...	1	4	1	1	...	1	...
6	11	1	11	50	1	...	9	...	...	31	6	8	1	...	7	...
28	28	4	32	43	4	...	7	...	8	29	5	4	...	...	54	...
13	112	3	59	52	6	...	30	...	...	35	35	18	3	...	45	...
48	104	4	67	61	12	...	25	...	3	34	25	6	2	2	68	...
+35	—8	+1	+8	+9	+6	...	—5	...	+3	+1	—10	—12	—1	+2	+23	...
8	2	2	3	1	...	6	9	...	...	17	4	1	1	...	18	...
...	6	3	8	1	1	6	6	...	...	32	12	6	...	1	15	...
...	1	...	27	10	...	...	3	...	...	11	6	...	1	...	5	...
...	5	...	13	13	8	...	2	...	...	5	7	1	...	...	...	...
...	8	2	1	1	...	...	2	...	...	12	5	8	...	...	41	...
...	5	2	1	...	1	...	5	...	...	24	6	1	...	...	20	...
8	6	4	31	12	...	6	14	...	...	40	15	4	2	...	64	...
...	16	5	22	14	5	6	13	...	...	61	25	8	...	1	35	...
—8	+10	+1	—9	+2	+5	...	—1	...	...	+21	+10	+4	—2	+1	—29	...
23	170	2	78	71	13	1	67	1	10	48	57	16	1	4	23	3
10	86	7	52	42	8	4	19	5	6	33	57	17	2	3	6	...
...	121	1	10	3	5	...	41	2	5	105	72	23	6	...	25	...
...	41	10	23	4	11	...	23	...	6	78	48	22	6	3	23	...
30	63	1	19	2	1	...	4	1	...	...	10	2	...	1	1	...
...	10	4	14	...	...	...	8	...	...	1	8	1	...	...	...	...
53	354	4	107	76	19	1	112	4	15	153	139	41	7	5	49	3
10	137	21	89	46	19	4	50	5	12	112	113	40	8	6	29	...
—43	—217	+17	—18	—30	...	+3	—62	+1	—3	—41	—26	—1	+1	+1	—20	—3
5	98	16	72	0	6	...	20	...	2	86	61	19	4	2	6	...
...	261	3	...	...	8	...	15	...	...	79	61	5	3	2	4	...
40	209	17	85	8	17	4	10	1	...	134	101	4	14	...	73	...
4	112	15	134	8	5	3	71	...	3	132	146	10	44	...	7	...
20	196	55	66	24	1	1	123	5	5	129	62	15	...		9	...
8	191	70	28	5	1	...	9	5	...	139	46	14	1	1	13	...
65	503	88	223	38	24	5	153	6	7	349	224	38	18	2	88	...
12	564	88	162	13	14	3	95	5	3	350	253	29	48	6	24	...
—53	+61	...	—61	—25	—10	—2	—58	—1	—4	+1	+29	—9	+30	+4	—64	
7	73	32	33	50	...	...	159	..	5	130	85	65	2	2	19	..
4	97	18	17	36	2	...	21	...	...	117	46	8	2	1	22	...
...	35	29	12	5	...	2	1	...	...	170	167	8	1	...	...	...
...	29	24	9	4	4	..	...	...	...	152	48	9	...	...	...	...
...	94	46	...	...	13	...	78	...	31	180	77	9	...	...	4	47
...	23	7	...	...	...	41	1	...	10	135	49	1	...	...	1	..
7	202	107	45	55	13	2	238	...	36	480	329	82	3	2	23	47
4	149	49	26	40	6	41	22	...	10	404	143	18	2	1	23	...
—3	—53	—58	—19	—15	—7	+39	—216	...	—26	—76	—186	—64	—1	—1	...	—47
6	58	12	7	2	6	2	27	...	3	59	46	1	...	...	12	8
2	18	17	4	4	17	1	13	...	8	65	45	17	1	...	14	...
13	13	51	6	14	3	2	10	...	...	18	54	16	6	...	...	6
10	25	23	5	7	29	4	5	...	1	50	37	8	...	...	3	
10	6	...	5	...	...	...	92	...	...	254	52	2	...	...	...	...
1	15	57	2	...	...	...	29	...	...	64	57	3	5	...	...	.
29	77	63	18	16	9	4	129	..	3	331	152	19	6	...	12	14
13	58	97	11	11	46	5	47	.	9	179	189	28	6	...	17	.
—16	—19	+34	—7	—5	+37	+1	—82	...	+6	—15	—13	+9	...	...	+5	—14

STATEMENT

DISTRICT.		28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44
		CLAIMS TO INHERITANCE.						Suits to establish or contest the acts of Hindu widows.	Suits relating to the revenue.	SUITS RELATING TO MORTGAGE OF IMMOVABLE PROPERTY.		CLAIMS IN RIGHT OF PRE-EMPTION		Suits regarding the relative rights of superior and inferior holders of land (other than rent suits.)	SUITS FOR PARTITION OF IMMOVABLE PROPERTY.		Suits regarding boundaries.	Suits for or relating to real property not included in the foregoing.
		Under Muhammadan Law.		*Under Hindú Law.*		*Under any other Law.*												
		Land only.	Other property.	Land only.	Other property.	Land only.	Other property.			Land only.	Other property.	Land only.	Other property.		Land only.	Other property.		
Dehli ...	1872	2	4	2	3	...	...	...	...	58	23	12	12	...	19	36	...	114
	1873	...	3	...	11	...	11	...	2	79	104	2	4	...	20	19	4	135
Gurgáon ...	1872	...	...	...	...	47	...	...	17	27	19	2	...	...	6	6	...	98
	1873	...	...	3	1	208	33	...	3	27	30	1	1	7	4	8	...	25
Karnál ...	1872	5	10	16	6	2	15	1	97	16	24	14	8	8	27	17	12	100
	1873	5	9	2	10	...	3	...	105	12	14	6	9	53	35	26	5	200
Total ...	1872	7	14	18	9	49	15	1	114	101	66	28	20	8	52	59	12	312
	1873	5	12	5	22	208	47	...	110	118	148	9	14	60	59	53	9	360
Difference ...		—2	—2	—13	+13	+159	+32	—1	—4	+17	+82	—19	—6	+52	+7	—6	—3	+48
Hissár ...	1872	5	...	...	...	7	...	...	11	5	8	4	1	36	1	...	...	103
	1873	...	2	...	...	7	...	...	22	20	9	4	5	23	...	1	...	104
Rohtak ...	1872	...	1	...	...	...	...	...	65	13	4	6	10	143	1	10	...	129
	1873	...	2	...	...	...	...	...	36	29	12	3	16	249	1	6	...	170
Sirsa ...	1872	1	...	2	1	...	...	...	32	16	12	2	2	5	2	...	...	118
	1873	9	...	2	...	...	...	...	14	64	3	8	2	3	...	1	...	114
Total ...	1872	6	1	2	1	7	...	...	108	34	24	12	13	184	4	10	...	350
	1873	9	4	2	...	7	...	...	72	113	24	15	23	275	1	8	...	388
Difference ...		+3	+3	...	—1	...	...	...	—36	+79	...	+3	+10	+91	—3	—2	...	+38
Ambálah ...	1872	14	4	24	23	98	62	23	511	116	89	40	21	64	156	38	81	360
	1873	5	7	18	26	57	41	...	448	88	46	37	17	41	65	78	93	349
Ludhiánah ...	1872	40	8	60	16	...	...	...	121	100	34	23	8	49	162	78	60	527
	1873	41	15	123	33	...	...	...	195	115	35	16	13	13	91	68	33	494
Simlah ...	1872	...	...	...	2	...	...	...	...	...	3	...	...	...	4	2	10	61
	1873	...	...	...	1	...	...	...	...	...	5	...	1	...	...	...	7	65
Total ...	1872	54	12	84	41	98	62	23	632	216	126	63	29	113	322	118	151	948
	1873	46	22	141	60	57	41	...	643	203	86	53	31	54	156	143	133	908
Difference ...		—8	+10	+57	+19	—41	—21	—23	+11	—13	—40	—10	+2	—59	—166	+28	—18	—40
Jálandhar ...	1872	6	3	6	4	...	...	...	345	104	47	43	16	...	121	33	32	621
	1873	1	...	...	2	...	...	3	217	126	46	58	21	...	30	10	1	630
Hoshiárpur ...	1872	3	...	...	...	199	142	...	759	456	104	14	9	5	95	42	1	286
	1873	1	...	...	...	614	186	1	667	475	135	63	31	53	37	38	...	60
Kángra ...	1872	...	1	125	30	163	34	46	50	36	26	19	1	...	29	4	40	185
	1873	...	1	73	4	221	10	...	71	12	12	48	...	...	21	...	1	163
Total ...	1872	9	4	131	34	362	176	46	1,154	596	177	76	26	5	245	79	73	1,092
	1873	2	1	73	6	835	196	4	955	613	193	169	52	53	88	48	2	853
Difference ...		—7	—3	—58	—28	+473	+20	—42	—199	+17	+16	+93	+26	+48	—157	—31	—71	—239
Amritsar ...	1872	...	12	27	21	...	8	...	577	10	78	27	14	...	18	38	27	656
	1873	3	3	2	17	...	7	...	434	37	27	25	25	16	96	49	118	479
Siálkot ...	1872	1	...	...	3	...	...	...	345	13	17	21	13	4	67	20	...	317
	1873	...	1	...	18	56	34	...	556	103	51	3	29	...	56	60	...	118
Gurdáspur ...	1872	59	...	249	90	...	...	...	340	205	73	20	5	5	176	1	78	...
	1873	...	...	...	...	1,094	...	...	114	341	46	42	9	1	27	4	6	...
Total ...	1872	60	12	276	114	...	8	...	1,262	228	168	68	32	9	261	59	105	973
	1873	3	4	2	35	1,150	41	...	1,104	481	124	70	63	17	179	113	124	597
Difference ...		—57	—8	—274	—79	+1,150	+33	...	—158	+253	—44	+2	+31	+8	—82	+54	+19	—376
Lahore ...	1872	35	12	22	4	58	13	...	332	102	38	55	24	12	28	10	7	190
	1873	12	10	21	5	3	31	...	273	176	115	29	19	43	10	4	9	160
Gujránwála ...	1872	2	3	1	19	93	9	...	239	7	6	6	3	20	16	36	6	23
	1873	1	...	28	14	55	35	1	207	19	7	8	1	7	10	2	5	21
Firozpur ...	1872	...	...	124	...	380	12	...	87	63	31	15	9	...	19	17	17	...
	1873	1	6	150	2	168	66	...	392	153	39	42	1	36	14	40	25	192
Total ...	1872	37	15	147	23	531	34	...	658	172	75	76	36	32	63	63	30	213
	1873	14	16	199	21	226	132	1	872	348	161	79	21	86	34	46	39	378
Difference ...		—23	+1	+52	—2	—305	+98	+1	+214	+176	+86	+3	—15	+54	—29	—17	+9	+160

II.—*Continued.*

45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63
Rent Suits not being Suits under the Panjab Tenancy Act.						Suits under the Panjab Tenancy Act.												
Suits to recover arrears of rent from tenants without right of occupancy.	Suits to recover arrears of rent from tenants with right of occupancy.	Suits regarding illegal exaction, distraint, or demand.	Suits regarding accounts, &c., by or against agent, &c.	Suits to resume or assess land held exempt from revenue or rent.	Suits not included in columns 45 to 49, not being suits under the Panjab Tenancy Act.	Suits under Section 5 by tenants for rights of occupancy.	Suits to establish right of occupancy under S. 8, or other grounds than those mentioned in the previous Ss. of the Act.	Suits under Section 6 by landlords for rebuttal of presumptive right of occupancy.	Suits under Sections 10 and 11 for enhancement of rent.	Suits under Section 14 for abatement of rent.	Suits for arrears of rent where remission is allowed under Section 15.	Suits under S. 18 to set aside award of division and apportionment of produce taken for rent.	Suits under Section 19 by landlords for ejectment of tenants with right of occupancy (Sec. 19, clause 1).	Suits under Section 19 by landlords for ejectment of tenants with right of occupancy (Sec. 19, clause 2).	Suits under Section 20 by landlords for ejectment of tenants without right of occupancy.	Suits under Section 25 by tenants to contest notice of ejectment.	Suits under Section 26 by tenants on account of illegal ejectment.	Total.
372	16	...	32	...	36	5	...	13	...	...	...	...	...	...	12	4	...	8,132
359	80	...	...	...	48	...	...	...	2	...	...	...	...	...	...	...	...	7,199
181	5	...	...	...	...	43	...	...	...	...	...	...	...	...	14	133	98	3,287
238	9	...	1	...	3	...	...	...	5	...	...	...	...	...	...	...	19	3,130
71	4	2	...	...	51	12	1	1	...	...	...	1	3	...	34	...	...	3,378
30	4	...	1	12	16	8	1	7	3	...	...	...	9	1	9	3	1	3,692
624	25	2	32	...	87	60	1	14	...	...	...	1	3	...	60	137	98	14,797
627	93	...	2	12	67	8	1	7	10	...	...	...	9	1	9	3	20	14,021
+3	+68	—2	—30	+12	—20	—52	...	—7	+10	...	...	—1	+6	+1	—51	—134	—78	—776
223	52	...	...	...	20	...	...	...	1	...	...	...	...	...	...	1	...	2,252
198	104	...	...	...	25	6	...	...	...	...	...	3	...	1	...	...	8	2,817
164	13	...	...	...	...	94	...	...	...	...	...	...	2	...	2	...	...	2,641
184	5	...	...	...	...	79	...	...	...	...	...	...	...	1	4	...	...	2,911
67	35	1	...	...	29	...	...	...	...	...	...	...	1	...	1	50	34	1,389
68	48	3	...	...	45	6	...	...	...	...	...	...	1	...	2	4	141	1,867
454	100	1	...	...	49	94	...	...	1	...	...	...	3	...	3	51	34	6,282
450	157	3	...	...	70	91	...	...	...	...	...	3	1	2	6	4	149	7,595
—4	+57	+2	...	...	+21	—2	...	...	—1	...	...	+3	—2	+2	+3	—47	+115	+1,313
137	83	25	1	...	5	9	2	...	...	...	...	1	11	1	18	1	5	9,300
235	107	40	...	...	...	2	...	...	1	...	...	...	...	3	3	2	24	9,671
39	22	3	...	...	...	4	...	1	1	...	...	4	...	16	18	...	7	8,567
40	32	4	1	...	...	5	...	2	...	...	...	...	8	5	14	...	6	8,218
8	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	3,044
10	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	3,135
184	106	28	1	...	5	13	2	1	1	...	...	5	11	17	36	1	12	20,911
285	141	44	1	...	...	7	...	2	1	...	...	...	8	8	17	2	30	21,024
+101	+35	+16	...	...	—5	—6	—2	+1	...	...	...	—5	—3	—9	—19	+1	+18	+113
150	27	...	...	...	...	58	3	...	...	...	...	...	...	...	7	...	...	13,672
332	53	...	...	...	...	37	8	...	...	...	...	...	1	...	12	...	1	12,044
96	99	3	...	...	169	1	...	...	...	...	...	...	1	...	...	...	...	17,281
355	274	...	1	6	133	35	4	12	1	2	...	...	1	19	8	7	17	17,772
49	10	...	...	...	51	5	...	1	3	...	...	...	...	...	2	...	...	7,400
32	89	...	...	...	...	12	2	...	1	...	...	...	...	1	7	1	3	6,809
295	136	3	...	...	220	64	3	1	3	...	...	...	1	...	9	...	...	38,353
719	416	...	1	6	133	84	14	12	2	2	...	...	2	20	27	8	21	36,625
+424	+280	—3	+1	+6	—87	+20	+11	+11	—1	+2	...	...	+1	+20	+18	+8	+21	—1,728
392	16	22	...	...	...	44	37	29	65	5	...	...	...	...	3	...	...	14,058
374	62	1	...	...	13	14	34	44	28	...	...	12	...	12	5	5	...	14,434
117	25	...	...	...	...	91	...	26	42	11	...	...	...	...	...	...	...	18,481
65	13	...	...	...	...	43	...	41	28	...	...	...	...	...	...	...	1	17,823
57	54	20	11	...	...	36	...	75	223	...	...	...	...	...	15	...	...	12 620
36	6	3	12	...	9	10	...	11	40	...	...	...	...	29	...	...	...	12,823
566	95	42	11	...	...	171	37	130	335	16	...	...	...	...	18	...	...	45,159
475	81	4	12	...	22	67	34	96	96	...	...	12	...	41	5	5	1	45,080
—91	—14	—38	+1	...	+22	—104	—3	—34	—239	—16	...	+12	...	+41	—13	+5	+1	—79
45	43	38	9	22	...	...	3	204	39	1	5	5	2	7	...	1	57	14,268
73	20	59	69	...	195	7	3	5	7	1	16	...	6	...	5	26	5	14,703
21	3	1	...	...	5	6	...	1	8	...	...	2	2	...	...	...	5	9,086
61	9	23	...	...	2	6	...	1	19	...	1	...	3	10	6	2	...	8,689
151	17	...	...	...	...	62	25	19	...	...	...	1	...	...	30	...	15	8,093
119	22	...	2	4	...	74	18	32	...	20	...	...	13	80	22	...	57	10,104
217	63	39	9	22	5	68	28	224	47	1	5	8	4	7	30	1	77	31,447
253	48	82	71	4	197	87	20	38	26	21	17	...	22	90	33	28	62	33,496
+26	—15	+43	+62	—18	+192	+19	—8	—186	—21	+20	+12	—8	+18	+83	+3	+27	—15	+2,019

STATEMENT

1	2	3	4	5	6	7	8	9	10
	MONEY DUE.								
	On written promise for sum certain.								
DISTRICTS.	Registered.	Unregistered.	On unwritten promise for sum certain.	On account stated.	For money paid and received.	For goods sold and delivered.	For breaches of contract not included in the above.	Suits for rent other than of land.	Recovery of personal property or value thereof.
Ráwalpindi ... 1872	113	1,530	1,607	1,915	8	656	113	162	399
Ráwalpindi ... 1873	136	1,706	1,578	1,815	7	558	128	184	653
Jhelam ... 1872	101	1,058	629	591	20	41	1	10	383
Jhelam ... 1873	132	1,204	590	456	13	84	1	33	338
Gujrát ... 1872	731	1,967	1,310	1,566	5	2	2	4	140
Gujrát ... 1873	516	1,850	1,397	1,393	...	...	6	22	242
Sháhpur ... 1872	39	1,510	467	1,083	...	...	...	7	227
Sháhpur ... 1873	57	2,122	565	1,285	...	..	...	13	368
Total ... 1872	987	6,065	4,013	5,155	33	699	116	183	1,149
Total ... 1873	841	6,882	4,130	4,949	20	612	135	252	1,631
Difference ...	—146	+817	+117	—206	—13	—57	+19	+69	+482
Multán ... 1872	112	482	928	990	...	10	...	36	125
Multán ... 1873	86	676	1,222	1,378	11	...	...	15	74
Jhang ... 1872	31	760	521	2,244	6	51	2	21	282
Jhang ... 1873	50	902	503	1,930	...	...	3	21	243
Montgomery ... 1872	71	531	938	1,923	...	33	...	14	96
Montgomery ... 1873	69	574	1,069	2,042	2	...	..	9	153
Muzaffargarh ... 1872	72	1,600	570	631	...	39	6	29	134
Muzaffargarh ... 1873	65	2,228	606	727	..	24	1	30	122
Total ... 1872	286	3,373	2,957	5,788	6	133	8	100	637
Total ... 1873	270	4,380	3,190	6,077	13	24	4	75	592
Difference ...	- 16	+1,007	+533	+289	+7	—109	—4	—25	—45
D. I. Khán ... 1872	233	2,096	1,068	569	102	32	51	92	267
D. I. Khán ... 1873	98	3,013	1,137	819	1	22	4	43	676
D. G. Khán ... 1872	60	1,288	963	1,415	..	16	...	67	453
D. G. Khán ... 1873	44	1,472	1,332	1,324	...	2	...	67	481
Bánnu ... 1872	78	986	1,062	847	12	10	1	17	186
Bánnu ... 1873	78	1,023	979	604	23	4	1	81	464
Total ... 1872	371	4,370	3,093	2,831	114	58	52	176	906
Total ... 1873	220	5,508	3,448	2,747	24	28	5	141	1,621
Difference ...	—151	+1,138	+355	—14	—90	—80	—47	—35	+715
Pesháwar ... 1872	156	1,636	870	806	130	338	174	114	562
Pesháwar ... 1873	95	1,196	907	725	50	205	140	42	726
Hazára ... 1872	69	471	472	518	5	1	...	11	56
Hazára ... 1873	16	882	315	371	...	...	...	20	38
Kohát ... 1872	7	113	229	190	4	17	1	10	289
Kohát ... 1873	4	132	152	289	...	235	...	34	15
Total ... 1872	232	2,220	1,571	1,544	139	356	175	135	907
Total ... 1873	115	2,210	1,374	1,385	[illegible]	440	140	96	778
Difference ...	- 117	—10	—197	—189	—89	+34	—35	—39	—128
Grand Total ... 1872	9,035	68,319	41,937	38,864	2,573	6,277	1,204	2,259	11,050
Grand Total ... 1873	9,649	68,297	45,905	39,338	773	5,785	1,208	2,135	13,096
Difference ...	+614	—22	+3,968	+474	—1,800	—492	+4	—124	+2,046

No. II.—*Continued.*

11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27
Suits for damages.										Suits relating to marriage, dower and divorce.						
For injuries to the person.	For injuries to property.	For defamation.	For other injuries not included in above.	Suits to compel specific performance of contracts.	Suits to set aside contracts and obligations on account of fraud, mistake or accident.	Suits to compel or prevent particular acts by way of *mandamus* or injunction.	Suits to settle partnership and other accounts.	Suits connected with religion and caste.	Suits relating to administration of trusts and religious endowments.	Suits connected with betrothal.	Suits for custody of wives.	Other suits.	Suits to establish or dispute adoption.	Suits regarding custody and guardianship of infants and lunatics.	Other suits to declare or establish personal rights.	Suits to establish or contest wills.
2	54	14	21	133	2	...	16	...	3	78	153	13	...	4	3	1
3	45	19	34	134	4	1	12	...	8	64	138	5	1	1	8	...
5	17	37	11	36	...	...	8	...	...	55	68	23	...	...	9	...
3	53	59	6	9	6	...	6	...	...	54	74	27	1	...	...	...
...	6	48	...	10	...	...	2	...	...	38	60	14	...	1	...	1
12	8	34	9	...	...	1	10	...	...	49	40	23	1	...	...	...
...	...	...	38	...	...	...	2	...	...	33	25	5	...	...	...	...
...	...	...	27	...	...	...	...	...	...	34	35	4	...	...	1	...
7	77	99	70	179	2	...	28	...	3	204	306	55	...	5	12	2
18	106	112	76	143	10	2	28	...	3	201	287	59	3	1	9	...
+11	+29	+13	+6	—36	+8	+2	...	...	...	—3	—19	+4	+3	—4	—3	—2
1	1	9	1	1	1	...	11	...	...	3	32	...	...	3	...	...
...	5	3	2	3	...	...	47	...	...	7	52	...	...	...	...	...
5	3	10	4	1	...	...	1	...	...	6	26	6	...	...	4	...
6	2	4	4	...	...	...	4	...	...	4	21	6	...	...	7	1
1	3	11	2	...	...	...	...	...	...	1	25	...	...	...	...	...
...	...	6	4	...	...	...	...	...	...	...	21	...	...	...	...	...
...	30	3	...	...	...	...	26	...	...	34	37	1	...	...	...	...
...	31	4	1	...	...	...	22	...	5	13	31	1	...	...	...	...
7	37	33	7	2	1	...	38	...	...	44	120	7	...	3	4	...
6	38	17	11	3	...	...	73	...	5	24	125	7	...	...	7	1
—1	+1	—16	+4	+1	—1	...	+35	...	+5	—20	+5	...	...	—3	+3	+1
50	21	29	9	...	3	...	7	3	7	11	48	14	...	...	1	12
...	30	9	...	...	...	...	6	...	2	13	44	8	...	...	...	1
...	61	10	1	8	...	...	75	...	...	46	60	13	...	...	...	...
...	58	27	...	5	...	...	19	...	5	26	42	10	...	...	...	...
2	13	11	14	1	1	...	27	...	...	63	85	6	...	...	...	...
...	109	30	11	7	...	...	20	...	...	50	101	13	...	11	2	...
52	95	50	24	9	4	...	39	3	7	120	193	33	...	...	1	12
...	197	66	11	12	...	...	45	...	7	89	187	31	...	11	2	1
—52	+102	+16	—13	+3	—4	...	—64	—3	...	—31	—6	—2	...	+11	+1	—11
...	19	13	36	6	4	...	20	...	...	24	81	13	...	3	18	2
4	48	2	26	5	4	...	16	1	2	19	69	17	...	2	13	1
...	...	...	...	...	...	...	...	...	1	20	90	5	...	...	...	...
...	...	...	...	...	...	...	1	...	1	19	36	1	...	...	...	...
3	1	1	2	...	...	...	...	...	...	9	17	5	...	...	1	...
...	8	6	3	10	...	...	4	...	...	13	16	13	...	...	...	...
3	20	14	38	6	4	...	20	...	1	53	188	23	...	3	19	2
4	56	8	29	15	4	...	21	1	3	51	121	31	...	2	13	1
+1	+36	—6	—9	+9	...	...	+1	+1	+2	—2	—67	+8	...	—1	—6	—1
244	1,483	465	622	445	82	18	871	13	72	1,809	1,701	320	39	20	317	80
115	1,425	467	504	358	116	61	419	11	55	1,505	1,418	257	69	30	227	3
—129	—58	+2	—118	—87	+34	+43	—452	—2	—17	—304	—283	—63	+30	—10	—90	—77

STATEMENT

DISTRICT.		28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44
		Claims to inheritance.								Suits relating to mortgage of immovable property.		Claims in right of pre-emption			Suits for partition of immovable property.			
		Under Muhammadan Law.		Under Hindú Law.		Under any other Law.												
		Land only.	Other property.	Land only.	Other property.	Land only.	Other property.	Suits to establish or contest the acts of Hindu widows.	Suits relating to the revenue.	Land only.	Other property.	Land only.	Other property.	Suits regarding the relative rights of superior and inferior holders of land (other than rent suits).	Land only.	Other property.	Suits regarding boundaries.	Suits for or relating to real property not included in the foregoing.
Ráwalpindi	1872	151	3	20	7	...	...	...	116	12	2	74	10	17	5	2	10	672
	1873	200	11	10	6	...	...	...	258	14	5	43	9	5	5	9	16	578
Jhelam ...	1872	...	...	...	...	263	98	...	27	43	31	11	6	12	7	...	6	96
	1873	7	6	...	1	358	145	...	16	29	10	25	15	2	4	5	14	54
Gujrát ...	1872	45	...	...	8	383	76	...	64	131	9	13	9	10	20	4	...	...
	1873	46	1	...	1	410	114	...	13	19	33	5	4	49	8	8	...	250
Sháhpur ...	1872	...	...	...	...	9	3	...	167	5	20	8	3	...	1	1	...	320
	1873	1	...	...	...	22	7	...	316	25	11	16	2	...	...	...	...	223
Total ...	1872	196	3	20	15	655	177	...	374	191	62	106	28	39	33	7	16	1,088
	1873	254	18	10	8	790	266	...	603	87	59	89	30	56	17	22	30	1,105
Difference ...		+58	+15	—10	—7	+135	+89	...	+229	—104	—3	—17	+2	+17	—16	+15	+14	+17
Multán ...	1872	2	7	...	2	...	...	...	224	...	8	5	1	56	...	1	...	33
	1873	1	...	3	...	...	...	...	197	10	19	8	7	33	1	3	...	31
Jhang ...	1872	...	...	...	...	30	...	...	109	56	5	13	1	...	...	2	...	95
	1873	...	...	...	...	...	4	...	347	44	3	11	...	...	1	1	...	19
Montgomery	1872	...	1	...	3	1	...	...	34	...	6	1	2	...	21	1	...	23
	1873	...	...	...	...	...	1	...	33	15	26	...	2	...	1	...	...	3
Muzaffargarh	1872	4	3	...	2	...	...	...	108	9	5	13	...	8	12	...	1	77
	1873	4	2	...	4	...	...	...	249	8	13	2	3	8	2	2	2	27
Total ...	1872	6	11	...	7	31	...	...	475	65	24	32	4	64	33	4	1	228
	1873	5	2	3	4	...	5	...	826	77	61	21	12	41	5	6	2	80
Difference ...		—1	—9	+3	—3	—31	+5	...	+351	+12	+37	—11	+8	—23	—28	+2	+1	—148
D. I. Khán ...	1872	17	25	4	27	49	6	1	7	38	11	8	37	186	13	21	6	16
	1873	...	17	...	6	...	...	...	...	...	14	1	3	217	...	...	...	32
D. G. Khán	1872	16	5	5	...	...	...	...	89	53	4	11	...	15	12	1	...	68
	1873	27	15	4	1	...	...	...	107	46	6	22	...	...	16	6	...	107
Bannu ...	1872	37	11	3	1	2	1	...	9	205	25	136	1	78	14	33	...	44
	1873	...	32	...	4	...	3	...	144	...	40	...	1	4	...	3	...	7
Total ...	1872	70	41	12	28	51	7	1	105	296	40	155	38	279	39	55	6	128
	1873	27	64	4	11	...	3	...	251	46	60	23	4	221	16	9	...	146
Difference ...		—43	+23	—8	—17	—51	—4	—1	+146	—250	+20	—132	—34	—58	—23	—46	—6	+18
Pesháwar ...	1872	...	23	...	...	...	2	2	161	...	47	...	13	3	...	18	6	116
	1873	...	39	...	3	...	1	2	276	...	130	...	18	...	...	29	...	88
Hazára ...	1872	...	...	...	2	...	...	...	...	...	...	...	...	...	...	...	...	...
	1873	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...
Kohat ...	1872	...	1	...	...	2	...	...	...	14	...	3	2	...	...	...	1	8
	1873	1	3	...	...	...	...	...	...	20	2	...	4	1	...	...	...	26
Total ...	1872	...	21	...	2	2	2	2	161	14	47	3	15	3	...	18	7	124
	1873	1	42	...	3	...	1	2	276	20	132	...	23	1	...	29	...	114
Difference ...		+1	+18	...	+1	—2	—1	...	+115	+6	+85	—3	+8	—2	...	+11	—7	—10
Grand Total	1872	445	137	690	274	1,786	481	73	5,043	1,913	809	619	241	736	1,052	472	401	5,456
	1873	366	185	439	170	3,273	732	7	5,712	2,106	1,048	528	273	864	555	480	339	4,924
Difference ...		—79	+48	—251	—104	+1,487	+251	—66	+669	+193	+239	—191	+32	+128	—497	+8	—62	—532

II.—*Concluded*

45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63
RENT SUITS NOT BEING SUITS UNDER THE PANJAB TENANCY ACT.						SUITS UNDER THE PANJAB TENANCY ACT.												
Suits to recover arrears of rent from tenants without right of occupancy.	Suits to recover arrears of rent from tenants with right of occupancy.	Suits regarding illegal exaction, duress, distraint, or demand.	Suits regarding accounts, &c., by or against agent, &c.	Suits to resume or assess land held exempt from revenue or rent.	Suits not included in columns 45 to 49, not being suits under the Panjab Tenancy Act	Suits under Section 5 by tenants for rights of occupancy.	Suits to establish right of occupancy under S. 8, or other grounds than those mentioned in the previous Ss. of the Act.	Suits under Section 6 by landlords for rebuttal of presumptive right of occupancy.	Suits under Sections 10 and 11 for enhancement of rent.	Suits under Section 14 for abatement of rent.	Suits for arrears of rent, where remission is allowed under Section 15.	Suits under S. 18 to set aside award of division and appraisement of produce taken for rent.	Suits under Section 19 by landlords for ejectment of tenants with right of occupancy (Sec. 19, clause 1).	Suits under Section 19 by landlords for ejectment of tenants with right of occupancy (Sec. 19, clause 2).	Suits under Section 20 by landlords for ejectment of tenants without right of occupancy.	Suits under Section 25 by tenants to contest notice of ejectment.	Suits under Section 26 by tenants on account of illegal ejectment.	TOTAL.
168	76	3	1	2	4	67	5	6	5	...	...	...	5	12	112	7	14	8,588
191	140	...	3	1	...	56	2	...	7	1	...	2	10	7	81	...	7	8,944
38	16	...	...	...	...	49	2	12	...	...	...	...	39	8	56	16	23	3,962
103	67	...	...	...	...	24	7	...	...	...	...	...	2	27	48	...	15	4,133
21	...	...	...	...	...	27	...	3	...	...	...	...	2	...	...	...	7	6,742
87	3	...	...	...	...	51	...	5	...	...	...	...	3	...	39	...	12	6,774
...	...	...	...	...	...	9	...	1	...	...	...	...	...	...	...	1	...	3,984
...	...	...	...	1	...	2	...	...	...	...	...	...	...	...	...	...	...	5,137
227	92	3	1	2	4	152	7	22	5	...	...	...	46	20	168	24	44	23,276
381	210	...	3	2	...	133	9	5	7	1	...	2	15	34	168	...	34	24,988
+154	+118	—3	+2	...	—4	—19	+2	—17	+2	+1	...	+2	-31	+14	...	—24	—10	+1,712
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	3,085
14	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	3,908
73	...	...	...	...	...	1	...	1	...	...	...	1	1	...	1	...	...	4,373
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	4,141
...	6	5	...	...	19	...	...	...	...	...	...	...	...	...	...	...	...	3,772
36	1	...	...	...	45	...	...	...	...	...	...	...	...	...	...	...	...	4,112
155	63	2	...	...	...	1	...	...	...	...	...	1	6	2	...	...	...	3,684
87	14	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	4,429
228	69	7	...	...	19	2	...	1	...	...	...	2	7	2	1	...	...	14,914
137	15	1	...	...	45	...	...	...	...	...	...	...	...	...	...	...	...	16,590
—91	—54	—6	...	...	—26	—2	...	—1	...	...	...	—2	—7	—2	—1	...	...	+1,676
2	26	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	5,225
36	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	6,253
429	...	...	...	...	18	...	...	...	...	...	...	...	...	...	...	...	...	5,262
402	...	...	...	...	12	...	...	...	...	...	...	...	...	...	...	...	...	5,685
253	10	...	...	...	...	...	...	...	...	...	3	...	...	...	...	...	...	4,288
89	107	...	4	...	...	...	...	...	...	...	...	...	...	...	...	...	...	3,999
684	36	...	...	...	18	...	...	...	...	...	3	...	...	...	...	...	...	14,775
527	108	...	4	...	12	...	...	...	...	...	...	...	...	...	...	...	...	15,937
—157	+72	...	+4	...	—6	...	...	...	...	...	—3	...	...	...	...	...	...	+1,162
55	25	42	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	5,538
45	9	15	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	4,969
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1,751
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1,701
18	8	...	1	45	...	10	2	...	...	...	...	...	...	...	...	...	...	1,014
7	...	...	...	...	...	63	...	...	...	...	...	...	...	...	...	...	...	1,061
73	33	42	1	45	...	10	2	...	...	...	...	...	...	...	...	...	...	8,303
52	9	15	...	...	...	63	...	...	...	...	...	...	...	...	...	...	...	7,731
—21	—24	—27	—1	—45	...	+53	—2	...	...	...	...	...	...	...	...	...	...	—572
3,552	755	167	55	69	407	634	80	393	392	17	8	16	75	46	325	214	265	2,18,217
3,906	1,278	149	94	24	546	540	78	160	142	24	17	17	57	196	265	50	317	2,23,087
+354	+523	—18	+39	—45	+139	—94	—2	—233	—250	+7	+9	+1	—18	+150	—60	—164	+52	+4,870

Imperial Return No. 6 gives the same classification according to the class of Courts for the year 1873.

The annexed table contains an abstract of the larger statement, and shews for the province the relative numbers of the principal classes of suits of the last three years.

It must be borne in mind that the classification under the more minute headings cannot be accepted as absolutely reliable.

Table B.

	1871.	1872.	1873.
Suits for money due on registered bonds	9,412	9,035	9,639
Do. do. unregistered do.	65,678	68,319	68,297
Do. do. unwritten promise	38,548	41,937	45,905
Do. do. on stated account	40,048	38,864	39,338
Do. paid or received	5,222	2,573	773
Do. for goods	7,771	6,277	5,785
Suits for breaches of contract	1,734	1,204	1,208
Do. rent other than of land...	2,083	2,259	2,135
Do. recovery of personal property or value thereof	10,598	11,050	13,696
Suits for injuries to property	1,159	1,483	1,425
Do. connected with betrothal	1,689	1,809	1,505
Do. for custody of wives	1,623	1,701	1,418
Claims to inheritance under Muhammadan, Hindu and other laws :—			
I. Land only	2,381	2,921	4,078
II. Other property	756	892	1,087
Suits relating to the revenue	4,182	5,043	5,712
Do. do. mortgage of imoveable property	2,707	2,722	3,154
Do. for partition of do. do.	1,577	1,524	1,035
Rent suits not under Panjab Tenancy Act	5,570	5,005	5,997
Suits under the Panjab Tenancy Act	3,285	2,465	1,863

29 The total number of suits for "money due," which comprehends columns 2 to 7 of the Statement II, have been as follows for the last three years:—

Suits for money due.

1871.	1872.	1873.
1,66,679.	1,67,005.	1,69,937.

30. The gradual increase from year to year calls for no remark. There is no appreciable variation in suits on unregistered bonds, while suits on registered bonds shew an increase of 6·6 per cent on the number for the preceding year, and of 4·5 per cent on the average number of the two previous years.

Suits on bonds registered and unregistered.

A comparison of the fluctuations in districts of this class of suits shews how difficult it is to assign a cause of increase or decrease. Thus, of the four districts in the Rawalpindi Division the variation on the results of the preceding year was as follows:—

Ráwalpindi	20 per cent	Increase.
Gujrát	29 per cent	
Jhelam	30 per cent	Decrease.
Sháhpur	46 per cent	

The increase in this class of suits amounted in Hushiarpur to 81 per cent.

In suits on unregistered bonds there was a marked increase in the following Divisions:—

Deraját	26 per cent.
Multán	39 „
Ráwalpindi	13 „

which was counterbalanced by a decrease in other Divisions, and chiefly in the following:—

Jálandhar Division	11 per cent.
Ambálah „	7 „
Amritsar „	6 „
Dehli „	4 „

31. The difficulty of ensuring correct classification renders it unnecessary to notice separately the four following classes, *viz*:

Other suits for money due.

Suits on unwritten promise, on stated account, for money paid or received, for money due for goods. Taking the four heads together an increase of 1,150 suits for the province is apparent, but the number is only 212 more than it was in 1871.

32. In suits connected with betrothal there is a decrease of 304, the chief falling-off was in the Firozepur district, of 190.

Suits connected with betrothal.

33. There was also a diminution, of 26 per cent, in suits for custody of wives; this may perhaps be attributed in part to a Circular of the Chief Court, enjoining that in Criminal cases, under Section 498 Indian Penal Code, of enticing away a married woman, the question of an existing marriage, where raised, should be disposed of on the Criminal side, and that parties should not as a matter of course be referred to the Civil Court.

Suits for custody of wives.

Suits for inheritance.

34. In suits for inheritance there is an increase of 38 per cent.

The increase was most marked in the Gurgáon district, where parties (as the Deputy Commissioner explains) failing to obtain record of their claim to inheritance before the Settlement Officer, who is not invested with judicial powers, brought regular suits in the District Courts to establish their alleged rights.

Suits relating to the revenue.

35. Suits relating to the revenue show an increase of 13 per cent.

36. Suits relating to mortgages have increased 12 per cent., the increase in the case of those where land was concerned being 10 per cent. The increase in these latter was most marked in the districts of Fírozpur, Lahore, Sirsa, Siálkot and Gurdáspur. In Bannú and Gujrát the decrease is notable.

Suits relating to mortgages.

By far the largest number of such cases in any one district occurred in Hushiárpur, being 476, or 22 per cent. of the whole.

37. With reference to suits on land mortgages, the Commissioner of Jálandhar recently thought it necessary to draw the attention of the Courts of his Division to the distinction between the proprietary right and the right to cultivate.

Mortgages of land. Distinction between proprietary and cultivating right.

He found that, where the proprietor had mortgaged his land and was sued upon the mortgage, the Courts habitually gave a decree for the land, without specifying the extent of the right conferred upon the decree-holder, and that in execution of decree proprietary and cultivating right alike were as a matter of course made over to the decree-holder.

The Commissioner pointed out that the decree in such cases should be strictly limited to the terms of the mortgage, and that in the absence of any expressed or implied stipulation to effect, the right to cultivate should not be regarded as involved in the proprietary right.

It is probable that the question of the distinction between the cultivating and proprietary right will before long form the subject of judicial decision.

38. Suits for partition of land have diminished 47 per cent; the decrease is greatest in the districts of Ambálah, Ludiánah, Jálandhar, Hushiárpur and Gurdáspur.

Suits for partition of land.

Rent suits not being under the Panjab Tenancy Act have increased 19 per cent.

39. Suits under the Panjab Tenancy Act have decreased by 24 per cent; and if the figures of the two preceding years be taken into account, the decrease is yet more marked.

Suits under the Panjab Tenancy Act.

Suits under this Act may be divided roughly into three classes, *viz*:—

(*a*.) Suits to establish or contest rights of occupancy (Sections 5, 6, 8.)

(*b*.) Suits connected with rent (Sections 10, 11, 14, 15 and 18.)

(*c*.) Suits connected with ejectment (Sections 19, 20, 25, 26.)

These will be briefly considered separately.

Suits to establish or contest occupancy rights have decreased 29 per cent.

In the Lahore district suits by landlords to rebut presumption of occupancy have decreased from 204 to 5. In Kohát suits to establish rights of occupancy under Section 5 have risen from 10 to 63.

Suits connected with rent have decreased by 52 per cent. The decrease is most marked in Gurdáspur, being from 228 to 40. The decrease is noticed by the Deputy Commissioner, who shews by a tabular statement how the number of cases under the Tenancy Act in his district have steadily fallen from 949 in 1870 to 90 in the year under report.

The Deputy Commissioner Gujránwálah remarks that suits for enhancement of rent are commonly instituted when the land has by mortgage practically passed into the hands of the money-lender, and are most keenly contested.

Suits connected with ejectment have decreased by 4 per cent. The rise in such suits in the Fírozpur and Hushiárpur districts is attributable to the recent transfer of such suits from Settlement to Civil Courts.

40. The annexed table (C) shews the number of suits brought by bankers and shop-keepers against agriculturists during the year, as far as has been ascertained.

Where the entry is blank, the number is unknown. The return will be more complete in future.

A column is added to shew the number of such suits ten years ago, *viz*. in 1863, from which it will be seen that this class of suits as well as litigation generally has more than doubled in the last ten years.

Table C.

Suits brought by Bankers or Shop-keepers against Agriculturists.

Districts.	1873. Disposed of suits of money due, columns 4 to 9 of classification statement.	1873.	1872.	1863.
Dehli ...	5,526	...	362	293
Gurgáon ...	2,179	1,187	...	1,010
Karnál ...	2,602	1,467	...	383
Hissár ...	1,927	...	778	582
Rohtak ...	1,833	1,220	1,065	734
Sirsa ...	1,076	559	477	607
Ambálah ...	6,552	4,182	2,990	2,279
Ludiánah ...	5,350	1,894	1,939	683
Simla ...	2,294	...	...	198
Júlandhar ...	9,042	6,568	6,515	5,001
Hoshiárpur ...	12,621	8,801	8,210	837
Kangrá ...	46,62	...	3,719	1,435
Amritsar ...	10,790	3,146	2,695	3,255
Sialkot ...	15,826	9,627	10,614	2,249
Gurdáspur ...	10,544	7,862	6,191	1,293
Lahore ...	12,500	4,120	3,602	591
Fírozpur ...	7,510	4,569	3,513	2,405
Gujránwálah ...	7,636	5,420	...	1,567
Ráwalpindi ...	5,800	2,241	2,460	947
Jhelam ...	2,679	1,180	1,197	337
Gujrát ...	5,156	3,461	3,781	509
Sháhpur ...	4,029	2,309	1,919	1,024
Multán ...	3,373	477	378	1,397
Jhang ...	3,385	1,817	1,905	538
Montgomery ...	3,756	...	...	1,019
Mozaffargarh ...	3,740	2,521	1,988	702
Bannú ...	2,711	...	...	1,077
Derah Ismail Khán ...	5,090	468*	398	290
Derah Gházi Khán ...	4,174	...	...	854
Peshávar ...	3,178	335	565	220
Hazara ...	1,584	751	886	346
Kohat ...	812	...	...	...
Total ...	1,69,937	6,212	...	34,682

* The Return for 1872, is not in office.

Such suits amount to about 45 per cent of the number of suits for money due, and to 34 per cent of the entire litigation of the province.

In the districts of Jálandhar, Gurdáspur and Gujránwálah the proportion borne by such suits to suits for money due is 70 per cent and upwards.

In Gujrát, Muzaffargarh, Ambálah, Rohtak, Hushiárpur, Sialkot and Fírozpur the per-centage is between 60 and 70.

As compared with the figures of last year the increase of this class of suits is striking in Ambalah, Fírozpur and Muzaffargarh.

The Deputy Commissioner Ambálah remarks that it would be hazardous to speculate as to the cause of this increase.

4.—AGENCY FOR DISPOSING OF SUITS.

41. The following Statement No. III shews the manner in which the disposal of original suits was distributed among the various classes of Judicial Officers, the per-centages of last year being added for comparison :—

STATEMENT III.

Number.	Officers.	Original cases decided.			Average number of cases decided by officers of each class.	
		Number in 1873.	*Per-centages.* 1872.	*Per-centages.* 1873.	1872.	1873.
32	Deputy Commissioners ...	406	0·3	0·2	19	13
64	Assistant Commissioners ...	15,327	6·6	6·9	199	239
21	Extra Assistant Commissioners (Europeans),	7,002	3·2	3·1	288	335
80	Ditto ditto (Natives) ...	36,315	13·3	16·2	431	454
121	Tahsildars ...	70,546	32·3	31·5	588	583
119	Naib Tahsildars ...	44,811	20·2	20·0	356	376
44	Honorary Civil Judges ...	11,780	5·6	5·3	289	268
8	Judges of District Small Cause Courts ...	31,026	15·6	13·9	4,274	3,878
8	Ditto Cantonment ditto ...	6,180	2·9	2·8	801	772
		2,23,393	...	...	...	...

There is no material difference in the proportion in which the work was performed by the different classes of Courts.

42. The amount of work performed by European and Native Judges respectively is as follows :—

European Judges	59,941 cases.
Native Judges	1,62,452 „

Tahsil agency.

43. Half the Civil litigation of the province was disposed of by Tahsíl agency. The proportion of work so disposed of was upwards of 80 per cent of the whole in the districts of Gurgáon, Dera Gazi Khán and Pesháwar.

It is observed by the Deputy Commissioner Gujrát that only one-fourth of the cases in the Tahsíls are contested, whereas the proportion of contested cases in the Sadr is one-half.

44. The Honorary Civil Judges have given material assistance in the disposal of Civil work in districts in which they are located. In Gujranwála they disposed of one-fourth of the Civil work.

Commissions for local investigation.

45. The use of Commissions for local investigation and for investigation of accounts under Sections 180, 181 of the Civil Procedure Code, appears to have been more discriminately made since notice was taken of the subject ; and Commissions are not now issued to Tahsildars or Naib Tahsildars except by sanction of the Deputy Commissioner.

The Deputy Commissioner of Siálkot speaks of having recently put a stop to a practice, adopted by certain Courts in his district, of appointing the same individual as Commissioner in all cases in which a Commission was issued; a practice (he says) so prevalent that several persons were earning a livelihood by it.

5.—VALUE AND COST OF SUITS.

46. Details connected with the value and costs of suits will be seen from the annexed statement.

STATEMENT IV.

Valuation of Suits.	Suits relating to proprietary right in or occupancy of land assessed or subject to settlement.						Other suits.					
	Number of suits.	Aggregate value of suits.	Aggregate cost of suits.	Average value of suits.	Average cost of suits.	Per-centage of cost to value.	Number of suits.	Aggregate value of suits.	Aggregate cost of suits.	Average value of suits.	Average cost of suits.	Per-centage of costs to value.
Not exceeding Rs. 5	4,729	14,470	5,885	3 .. 10	1 3 11	40 6	30,380	1,14,308	22,558	3 12 2	... 11 10	19·7
Do. „ 20	7,264	55,745	16,279	7 10 9	2 3 11	29 2	77,852	9,74,923	1,27,691	12 8 4	1 10 3	13·1
Do. „ 100	6,619	3,23,378	45,505	48 13 8	6 13 11	14·1	75,618	32,85,122	3,73,529	43 7 1	4 15 ...	11 0
Do. „ 500	2,043	3,92,374	42,993	192 1 ...	21 ... 8	10 9	17,165	21,36,573	3,18,503	124 7 6	18 8 10	14·9
Do. „ 1,000	139	1,08,524	10,367	780 11 11	74 9 3	9·5	1,070	7,93,439	70,302	741 8 5	65 11 3	8·8
Do. „ 5,000	67	1,26,263	12,440	1,884 8 4	181 3 1	9 8	551	11,47,324	89,912	2,082 4 1	163 2 10	7·8
Do. „ 10,000	1	9,060	552	9,060	552	6 1	38	2,53,296	18,948	6,665 10 11	498 10 1	7·5
Do. „ 1,00,000	2	37,903	2,537	18,951 8 ...	1,268 8 ..	6·7	24	5,38,696	18,770	22,445 10 8	782 1 4	3 5
TOTAL	20,564	10,67,717	1,36,558	51 14 8	6 10 3	12 8	2,02,698	92,43,681	10,40,213	45 9 7	5 2 1	11·2

The value of suits arranged according to Tribunals will be found in Imperial Return No. 7.

The real value of land assessed or subject to settlement in suit cannot be measured by the somewhat arbitrary valuation provided by law.

It will be noticed that more than half the suits of this nature relate to plots of land of a value not exceeding Rs. 20 each, and a little less than one-fourth of such suits relate to land of a value not exceeding Rs. 5.

In the value and cost of such suits there is no appreciable variation upon the figures of last year.

Passing on to other suits, *viz.* suits not connected with land, we find that more than half, or 53 per cent, are of a value not exceeding Rs. 20, and 14 per cent are of a value not exceeding Rs. 5. Suits of a value exceeding Rs. 500 are only 0·8 per cent.

Financial results.

47. The annexed estimate shews the income from and expenditure on Civil Justice in the province during the past financial year.

The calculation is based on the assumption, which seems a perfectly fair one, that an amount of time and labor commensurate with the proportion of pay adopted in the case of each class of Court mentioned in the table is expended on Civil work, the remainder being allowed for Criminal Administrative and Revenue business. The actual figures of the past year have been called into use:—

	Rupees.
Expenditure.—Two-thirds of the cost of the Chief Court and Establishment, and Contingent Charges ...	1,38,356
One-third of the cost of Commissioners and their Establishments, and Contingencies	1,64,836
Two-thirds of the pay of Additional Commissioners, their Establishments and Contingencies	36,976
Two-thirds of the Moiety of the cost of Deputy Commissioners, Assistant Commissioners, Extra Assistant Commissioners, and Establishments, charged to Law and Justice	7,84,398
Entire cost of Process-Serving Establishments ...	1,56,033
	12,80,599
Deduct.—Cost of "service" postage labels included in above, being a purely nominal charge ...	18,472
	12,62,127
Income.—From sale of Court fees stamps ...	17,19,283

It will thus be seen that the Imperial Government realized a profit of Rs. 4,57,156 from the administration of Civil Justice in the Panjab during the past year.

6.—EXECUTION OF DECREES.

48. The subjoined statement (No. V) shows the course and result of the execution of decrees for the several districts during the year. The total of 1872 is added for comparison.

STATEMENT V.

Districts.	Total number of applications for execution.	Completely executed.	Partially executed.	Struck off.	Transferred.	Total number disposed of.	Per-centage of decrees completely executed.	Value of decrees put in execution.	Amount realized. Voluntarily.	Amount realized. After issue or execution of coercive process.	Per-centage realized.
Delhi	5,861	1,245	2,536	1,506	294	5,581	22	5,11,017	16,570	1,10,968	25
Gurgaon	1,488	577	340	385	83	1,385	41	2,26,070	5,160	29,121	15
Karnal	2,620	809	545	1,075	47	2,476	32	2,89,562	4,111	38,570	14
Hissar	1,594	424	436	656	33	1,549	28	1,81,029	7,171	30,799	21
Rohtak	2,002	774	750	364	27	1,915	40	1,03,180	6,342	27,119	32
Sirsa	1,069	345	271	341	43	1,000	34	1,16,964	8,786	17,133	21
Ambalah	6,476	2,363	1,342	2,135	3	5,843	40	3,99,696	4,903	1,16,101	30
Ludiānah	5,763	1,594	2,032	1,760	...	5,386	29	3,34,219	15,067	69,529	29
Simla	1,942	522	467	823	36	1,848	29	2,18,292	5,044	41,458	21
Jalandhar	8,107	2,060	2,009	3,149	178	7,396	28	6,41,397	9,173	1,53,788	25
Hoshiarpur	9,308	2,620	2,207	3,758	...	8,585	30	5,48,176	18,090	1,47,149	30
Kangra	2,972	1,518	536	700	...	2,754	55	1,27,383	6,260	48,646	43
Amritsar	7,194	2,004	1,507	2,717	59	6,287	32	6,50,444	29,603	1,12,080	22
Gurdaspur	5,758	1,822	1,275	1,776	...	4,873	37	2,87,415	5,499	1,11,411	41
Sialkot	10,040	3,442	3,223	2,410	...	9,075	35	3,82,371	3,046	68,513	19
Lahore	8,786	2,830	2,715	2,379	...	7,924	35	4,06,140	65,839	1,13,354	44
Firozpur	5,797	1,972	2,011	1,403	13	5,399	36	4,02,034	21,810	94,004	28
Gujranwala	4,689	1,527	926	1,717	10	4,180	36	1,99,368	15,891	52,014	34
Rawalpindi	3,846	1,896	627	927	33	3,483	54	2,55,052	9,652	78,962	35
Jehlam	1,855	980	413	294	...	1,687	58	1,62,135	9,638	43,339	33
Gujrat	3,695	1,220	1,067	1,004	...	3,291	37	1,71,986	33,841	35,826	40
Shahpur	2,274	817	408	888	...	2,113	38	1,27,742	2,843	36,170	30
Multan	1,555	657	208	509	...	1,374	48	1,58,201	1,011	76,974	49
Jhang	1,842	628	319	779	...	1,726	36	83,703	7,028	14,204	25
Montgomery	2,098	556	392	1,048	1	1,997	28	1,59,640	5,636	20,027	16
Muzaffargarh... ...	1,591	694	145	674	...	1,513	48	70,461	3,807	21,174	35
Bannu	1,871	1,165	314	294	...	1,773	66	76,802	23,731	25,263	63
Derah Ismail Khan ...	2,456	1,185	337	756	...	2,278	52	1,02,081	16,211	37,256	52
Derah Ghazi Khan ...	2,122	1,255	349	362	...	1,966	64	97,162	33,715	9,744	45
Peshawar	2,767	1,217	671	645	1	2,534	48	3,56,278	16,329	73,80[illegible]	25
Hazara	958	262	288	282	14	846	31	77,308	6,509	7,12[illegible]	2[illegible]
Kohat	377	214	56	77	...	347	61	15,555	3,074	2,76[illegible]	37
Total ...	1,20,773	41,194	30,722	37,593	875	1,10,384	37	79,38,813	4,21,390	18,64,359	28
Total of 1872 ...	1,15,269	42,809	28,248	33,403	848	1,05,368	40	71,61,835	3,84,285	18,12,402	31

Imperial Return No. 10 gives the sum of this information arranged according to Tribunals.

Disposal of execution of decree cases.

49. Of 1,20,773 applications for execution, 1,10,384, were disposed of during the year. Of these, 41,194 were completely executed, 30,722 were partially executed, and 33,403 struck off without any execution being effected.

Thus the proportions were as follows :—

1872		1873
40 per cent	completely executed ...	... 37 per cent.
24 „	partially executed ...	... 25 „
29 „	struck off without any execution	31 „

The remainder of the applications were either transferred or pending.

Cases completely executed

50. The proportion of cases completely executed is 3 per cent less than in the preceding year, which shewed exactly the same decrease as compared with the proportion of 1871. In 1869, 45 per cent of the applications for execution were completely executed.

The following districts show a favorable per-centage of decrees completely executed:—

Ráwalpindi	... 58 per cent.
Kohát	... 61 „
Derah Gházi Khán	... 64 „
Bannú	... 66 „

The proportion is lowest in the Dehli district, being only 22 per cent.

Realisation.

51. The total amount for realisation was Rs. 79,38,813. Of this, 4,21,390 was paid voluntarily into Court, and 18,12,402 realised by coercive process, the balance remaining unrecovered.

The per-centage of amount realised to amount for realisation was 28, being 2 per cent less than the realisation of the previous year.

The difference in the proportion realised in districts, ranging as it does from 14 per cent in Karnál to 63 per cent in Bannú, is striking.

The amount realised by coercive process is four times as great as the amount voluntarily paid; but in two districts, Derah Gházi Khán and Kohát, the voluntary payments were the largest.

It is believed that the slight decrease in realisation is not to be attributed to any diminution of care on part of the Courts in the execution of decrees; on the contrary, it is shewn from some of the reports that the subject meets with more attention than formerly; but it must be remembered that the tendency to exercise discretion in execution rather than to carry out the strict letter of the law has been encouraged.

The falling off in realisation is partially attributed by some officers to the influence of the Chief Court Circular VI of 1872, forbidding attachment of agriculturists' bullocks, houses, &c.

The Commissioner of Dehli in noticing the small per-centage of realisations in his Division, observes that these realisations do not represent all moneys paid on decrees given, and that many decrees are settled out of Court.

Coercive process.

52. Of the amount realised by coercive process, a large proportion is realised by the mere preliminaries of coercion; that is, as soon as the debtor sees that his creditor is in earnest he contrives to make the amount good.

The following is a detail of the coercive processes enforced :—

	Arrests.	*Imprisonments.*
Against the person...	... 6,107	... 708
	Attachments.	*Sales.*
Against movable property,	40,262	... 8,254
Against immovable do.	... 5,189	... 1,363

Arrest.

53. Arrest of the person was most common in the following districts :—

Simla,	... 890
Amritsar	... 644
Sialkot	... 597
Dehli	... 552
Peshawar	... 413

In all of these, with the exception of Sialkot, there are Small Cause Courts, in which arrests are most frequent.

The reason for so large a number of arrests in Simla is that the debtors are chiefly servants, who are not resident in the place, and who have little property with them.

Imprisonment.

54. Of the total number arrested in Simla only 22 appear to have been imprisoned for a month. It will be seen above that the proportion of persons imprisoned to persons arrested is for the province only 11 per cent.

Altogether 708 debtors were imprisoned for debts aggregating Rs. 2,51,110.

The terms of the imprisonment were up to one month ...	346
above 1 and up to 3 ditto ...	215
3 „ 6 „ ...	125
above 6 months, ...	22

Of the number imprisoned one-sixth were in the Dehli district alone.

The provision of the Code by which a debtor when arrested or imprisoned can, on proving his willingness and inability to pay, obtain his discharge, has been made use of in 117 cases. It may be questioned whether the law on the subject is as yet generally acted upon, although in Circular No. VI of 1872, the Chief Court directed that the provisions of Sections 280 and 281 of Act VIII of 1859 should be explained to every Civil debtor entering jail, and that copies of these Sections in Urdu and Hindi should be suspended in every Civil ward.

Attachment of moveable property.

55. In 20 per cent of the cases in which movable property was attached, it was actually brought to sale.

Attachment of immoveable property.

56. In 26 per cent of the cases in which immovable property was attached, was sale effected.

By far the largest number of such sales in any one district was 340 in Siálkot.

Sales of land.

57. One sale of ancestral land in the Rawalpindi Division was, under exceptional circumstances, sanctioned by the Chief Court during the year.

Temporary alienation of land.

58. In 188 cases, temporary alienation of land in execution of decree was effected under Sections 243 and 244 of the Civil Procedure Code.

II.—SMALL CAUSE COURTS.

59. The following Statement (No. VI) shews all cases pending, instituted, decided, and remaining for trial, in the District Small Cause Courts.

STATEMENT VII.

1		2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28
		Number of cases on file.			Disposed of without decree.				Decree passed.													Average duration of each case.						
									Without contest.					With contest.														
COURTS.		Pending from last year.	Instituted during the year.	Total.	Dismissed for default.	Withdrawn with leave, Section 97, Act VIII of 1859.	Adjusted by mutual agreement, Section 98, Act VIII of 1859.	Total.	Compromised.	Decreed on confession.	Decreed ex-parte.	Dismissed ex-parte.	Total.	Judgment for plaintiff in whole or part.	Judgment for defendant.	Total.	Referred to arbitration.	Grand total disposed of.	Pending at end of year.	Pending over two months.	Date of oldest case pending.	Contested.	Uncontested.	General average duration.	Number of witnesses who appeared without summons.	Number of witnesses who appeared on summons, including parties summoned.	Plaints rejected or returned.	Miscellaneous cases.
Delhi ...	1872	57	5,026	5,083	668	34	513	1,215	850	1,195	442	...	2,487	911	358	1,269	18	4,989	94	1	23rd Octr.	5	4	6	2,330	8,626	51	...
	1873	94	3,916	4,010	482	1	365	848	305	906	443	1	1,655	1,095	301	1,396	10	3,909	101	..	17th Decr.	5	4	4	2,089	7,154	34	...
Ludhiana ...	1872	29	2,692	2,721	248	4	239	491	104	905	184	7	1,200	543	415	958	12	2,661	60	...	11th Decr.	10	9	9	1,311	5,491	28	1,340
	1873	60	2,545	2,605	247	8	318	573	284	574	151	1	1,010	548	409	957	7	2,547	58	...	13th Decr.	12	12	12	1,094	5,994	4	2,036
Simla ...	1872	2	1,879	1,881	114	25	180	319	35	166	322	27	550	842	155	997	4	1,870	11	...	23rd Decr.	7	7	6	612	2,477	51	38
	1873	11	1,765	1,776	135	14	234	383	20	230	276	12	538	685	159	844	1	1,766	10	...	23rd Decr.	9	8	9	460	2,429	35	...
Jalandhar ...	1872	287	5,734	6,021	1,953	...	390	2,343	126	1,083	593	131	1,933	976	559	1,535	...	5,811	210	...	7th Decr.	12	12	13	3,503	6,458	24	1,980
	1873	210	4,669	4,879	1,512	26	360	1,905	439	457	278	10	1,184	1,168	393	1,561	10	4,660	219	...	7th Novr.	11	8	10	3,191	5,800	13	1,938
Hushiarpur ...	1872	191	5,376	5,567	748	...	451	1,199	22	1,894	472	7	2,395	1,182	452	1,634	39	5,267	300	...	7th Novr.	14	11	16	2,807	12,441	165	3,270
	1873	300	5,294	5,594	836	...	419	1,255	73	1,924	428	5	2,430	1,322	420	1,742	22	5,449	145	...	24th Novr	12	10	13	2,195	12,820	109	3,337
Amritsar ...	1872	109	5,259	5,368	1,289	21	602	1,912	642	966	214	13	1,835	945	474	1,419	22	5,188	180	1	23rd August	12	10	12	1,838	4,675	74	...
	1873	180	5,791	5,971	1,478	46	702	2,226	891	823	221	10	1,945	1,178	370	1,548	27	5,746	225	1	27th Octr.	14	11	13	1,058	6,210	94	...
Lahore ...	1872	264	6,389	6,653	1,260	17	665	1,942	1,894	204	731	20	2,849	1,196	496	1,692	1	6,484	169	...	13th Decr.	10	11	10	2,409	5,023	163	118
	1873	169	5,931	6,100	877	23	641	1,541	1,901	92	664	8	2,665	1,122	582	1,704	3	5,913	187	...	9th Decr.	10	8	9	1,617	9,214	132	149
Peshawar ...	1872	11	1,921	1,932	121	32	239	392	57	569	160	7	793	430	295	725	12	1,922	10	...	17th Decr.	10	8	9	587	5,307	62	51
	1873	10	1,053	1,063	76	11	147	234	69	259	57	6	391	304	105	409	2	1,036	27	...	15th Novr.	11	9	12	292	3,417	8	73
TOTAL ...	1872	950	34,276	35,226	6,401	133	3,479	9,813	3,730	6,982	3,118	212	14,042	7,025	3,204	10,229	108	34,192	1,034	2	.	10	9	10	16,397	50,498	624	7,797
	1873	1,034	30,964	31,998	5,650	129	3,186	8,965	3,982	5,265	2,518	53	11,818	7,422	2,739	10,161	82	31,026	972	1	.	11	10	10	11,996	53,038	423	8,133

60. There is a decrease in the number of institutions in the Small Cause Courts of the province of between 9 and 10 per cent.

Decrease in institutions.

There was also a decrease in 1872 upon the number of 1871.

The total number of institutions in the year under report is only 336 in advance of the institutions in 1870.

The decrease is divided among all the Courts, with the exception of that at Amritsar, where there is an increase of 10 per cent, which may be attributable (as suggested by the Judge) to the fact that the Court was open for eleven months in 1873 and only ten in 1872.

The decrease is greatest in—

Dehli	22	per cent.
Jálandhar	18	„
Pesháwar	45	„

61. In the case of the first two Courts the main cause assigned by the respective Judges is the change of the presiding officer.

Decrease in Dehli and Jálandhar.

62. Several causes are conjectured by the Judge for the decrease in the Pesháwar Court. The only one to which the Commissioner attaches any weight is the greater discrimination employed in decreeing interest; but it is credible that the systematic encouragement of the joinder in one suit of all causes of action between the same parties which can be conveniently tried together may have had a sensible effect in reducing the number of suits.

Decrease in Pesháwar.

This is one of the causes alleged, and it is confirmed by the opinion of the Judge of the Lahore Court in discussing the decrease in the latter Court.

The decrease in Pesháwar is certainly remarkable. The number of institutions is 56 per cent less than it was in 1871, and 38 per cent less than the smallest number known since the institution of the Court in 1861.

That the rise and fall of the number of suits is not to be accepted as a criterion of the proper working of the Court is evidently the opinion of the Commissioner of Dehli, who characterizes the working of the Dehli Court during the year as "eminently satisfactory."

63. The business of the Small Cause Courts has been included in Statement I, and the remarks made upon the details of classification and disposal need not be repeated here.

Comment on classification and disposal not required.

It is worthy of note that in the Lahore Small Cause Court only nine per cent of the suits disposed of were between bankers or shop-keepers and agriculturists.

Average duration.

64. The average duration of cases contested and cases uncontested in Small Cause Courts has increased by one day, and is 11 and 10 respectively. This is probably due to a minimum period of seven days having been fixed by the Chief Court in October last for the return of summons upon defendants in ordinary cases.

Cases within and without Municipal limits.

65. The following table (D) shews the number of cases disposed of in each Court which arose within municipal limits and without municipal limits respectively; the residence of the defendant determines the class in which suit falls.

Table D.

COURT.	Cases disposed of.		
	Within municipal limits.	Without municipal limits.	Total.
Dehli	3,265	678	3,943
Ludiánah	688	1,919	2,607
Simla	1,766	...	...
Jalandhar	654	4,006	4,660
Hushiárpur	760	4,689	5,449
Amritsar	2,120	3,626	5,746
Lahore	3,927	1,986	5,913
Peshávar	419	617	1,036

In the case of the Dehli and Ludiánah return, it is not clear why the total does not agree with the total shewn in column 18 of Statement VI. The difference however is slight, and it has not been thought worth while to delay the report for the explanation which has been called for and which will be forwarded on receipt.

Pending file.

66. The pending file is highest in the Jálandhar and Amritsar Courts, being 4 and 3 per cent respectively of cases for disposal.

The oldest case pending was in the Amritsar Court, having been instituted on 27th October 1873, and was on reference before the Chief Court.

Cantonment Courts.

67. The following Statement (No. VII) shows the amount of work disposed of by the eight Cantonment Small Cause Courts, regarding which no comment is necessary.

STATEMENT NO. VII.

1		2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27
COURTS.		Number of Cases on File			Disposed of without Decree.				Decree passed.												Average duration of each case						
									Without contest.					With contest.													
		Pending from last year.	Instituted during the year.	Total.	Dismissed for default.	Withdrawn with leave, Section 97, Act VIII of 1859.	Adjusted by mutual agreement, Section 98, Act VIII of 1859	Total.	Compromised	Decreed on confession.	Decreed ex-parte.	Dismissed ex-parte.	Total.	Judgment for plaintiff in whole or part.	Judgment for defendant.	Total.	Referred to arbitration.	Grand total disposed of.	Pending at end of year.	Pending over two months	Contested.	Uncontested.	General average duration.	Number of witnesses who appeared without summons.	Number of witnesses who appeared on summons, including parties summoned	Plaints rejected or returned.	Miscellaneous cases.
Ambálah ...	1872	4	1,009	1,013	143	1	38	182	83	278	174	17	552	198	53	251	28	1,013	...	...	8	5	6	43	29	...	624
	1873	...	1,396	1,396	234	1	139	374	107	390	197	3	697	227	46	273	49	1,393	3	..	9	8	8	134	1,353	.	829
Jálandhar ...	1872	4	415	419	34	..	28	62	18	121	40	6	185	119	28	147	22	416	3	...	6	6	6	126	365	..	232
	1873	3	431	434	33	1	46	80	16	124	67	10	217	83	35	118	14	429	5	..	7	8	8	146	367	..	227
Siálkot ...	1872	14	892	906	124	...	181	305	1	281	117	...	399	144	26	170	2	876	30	.	9	6	7	40	106	...	301
	1873	30	540	570	89	...	85	174	1	215	33	2	251	86	16	102	...	527	43	..	18	6	9	85	104	..	139
Mian Mír ...	1872	...	715	715	59	...	...	59	74	202	103	1	380	182	83	265	7	711	4	...	8	13	7	129	138	4	439
	1873	4	768	772	45	...	4	49	82	197	89	1	369	253	57	310	39	767	5	...	4	5	5	179	206	1	443
Firozpúr ...	1872	4	1,013	1,017	59	...	134	193	..	548	72	...	620	109	55	164	38	1,015	2	...	8	3	5	52	1,256	7	432
	1873	2	775	777	52	..	99	151	..	382	46	...	428	135	50	185	9	773	4	...	8	3	5	102	1,095	1	367
Rawalpindi ...	1872	4	1,254	1,258	120	...	79	199	...	502	232	...	734	196	111	307	14	1,254	4	...	10	8	10	208	1,227	26	610
	1873	4	1,067	1,071	141	...	49	190	...	360	232	...	592	181	98	279	6	1,067	4	...	9	8	10	169	934	12	560
Multán ...	1872	1	527	528	38	5	56	99	1	243	35	3	282	92	22	114	33	528	..	..	5	5	6	160	615	1	246
	1873	...	641	641	49	...	75	124	4	300	50	3	357	106	36	142	14	637	4	.	7	4	5	141	825	2	281
Peshawar ...	1872	5	605	610	18	...	66	84	..	240	57	9	306	149	57	206	3	599	11	...	4	3	3	144	568	3	409
	1873	11	585	596	40	...	77	117	..	181	48	18	247	153	66	219	4	587	9	..	5	4	5	135	675	3	438
Total ...	1872	36	6,430	6,466	595	6	582	1,183	177	2,415	830	36	3,458	1,189	435	1,624	147	6,412	54	..	7	6	6	902	4,304	41	3,293
	1873	54	6,203	6,257	683	2	574	1,259	210	2,149	762	37	3,158	1,224	404	1,628	135	6,180	77	...	8	7	7	1,091	5,559	19	3,284

APPELLATE COURTS.

68. Imperial Return No. 9 shews the business of the Appellate Courts of the Province.

The annexed Statement (No. VIII) shews the number of appeals preferred to the Courts of Deputy Commissioners and of Commissioners for each district of the Province.

STATEMENT No. VIII.

DISTRICTS.		Original cases disposed of.	APPEALS. To Deputy Commissioners.	To Commissioners.	TOTAL.	Per-centage of appeals to cases disposed of.
Dehli		7,209	91	178	269	3·7
	Gurgáon	3,132	138	140	278	8·8
	Karnál	3,692	148	135	283	7·7
Hissár		2,717	122	63	185	6·8
	Rohtak	2,911	247	102	349	11·9
	Sirsa	1,868	164	66	230	12·3
Ambálah		9,686	357	509	866	8·9
	Ludiánah	8,221	285	313	598	7·2
	Simla	3,135	6	40	46	1·4
Jálandhar		12,041	558	226	784	6·5
	Hoshiarpúr	17,772	601	749	1,350	7·6
	Kángra	6,809	331	113	444	6·5
Amritsar		14,464	487	265	752	5·2
	Siálkot	17,823	294	376	670	3·7
	Gurdáspur	12,824	424	282	706	5·5
Lahore		14,702	197	187	384	2·6
	Firozpur	10,109	534	209	743	7·3
	Gujranwála	8,689	192	153	345	4·0
Ráwalpindi		8,945	321	143	464	5·2
	Jhelam	4,333	316	174	490	11·3
	Gujrát	6,774	261	166	427	6·2
	Shahpur	5,219	143	111	254	4·8
Multán		3,926	73	83	156	3·9
	Jhang	4,111	135	73	208	5·0
	Montgomery	4,114	127	79	206	5·0
	Muzaffargarh	4,478	76	29	105	2·3
Bannú		3,999	122	86	208	5·2
	Derah Ismaíl Khán	6,253	77	76	153	2·4
	Derah Ghazi Khán	5,696	102	19	121	2·1
Peshawar		4,970	174	53	227	4·5
	Hazára	1,706	20	30	50	2·9
	Kohát	1,062	17	3	20	1·8
	TOTAL	2,23,393	7,140	5,231	12,371	5·5

The provincial per-centage of appeals to cases disposed of is exactly the same as last year, viz: 5·5. To contested cases disposed of the proportion is 16·6 per cent. The proportion is too small to give any support to the arguments of those who would curtail the privilege of appeal.

Increase in institutions.

69. The total number of appeals instituted was 12,371. In 1871 it was 11,963, and about the same number in 1872. The increase in the year under report is in keeping with the increase in original suits.

The increase, it will be observed, is entirely in appeals to the Courts of Commissioners, there being an absolute decrease in the number of appeals to Deputy Commissioners.

Causes which influence number of institutions in different Courts.

70. The proportion in which appeals are divided between Commissioners and Deputy Commissioners depends in great measure upon the grade of the judicial officers in a district, and the manner in which the civil work is distributed.

The number of appeals in a district is largely affected by the proportion in which the original litigation is divided between suits connected with land and other suits ; the per-centage of appeals to cases disposed of in the former class being roughly speaking five times as great as in the latter class.

The closing or opening of settlement operations must always be kept in view as affecting alike the number of original civil suits and civil appeals. The effect is shewn this year in the Hoshiárpur district, where appeals to either Court have increased from appeals in cases concerning land being shewn on the civil side.

The proportion of appeals to cases disposed of was highest in the districts of Rohtak, Sirsa and Jhelam, and lowest in Simla and Kohát.

In the Frontier districts appeal is comparatively speaking little resorted to.

2.—APPEALS IN COURTS OF DEPUTY COMMISSIONERS.

Appeals instituted.

71. 7,140 appeals were instituted in Courts of Deputy Commissioners, being 562 less than in the preceding year.

These added to cases received by transfer and pending from previous year made a total for disposal of 7,651.

Disposal of appeals.

72. These were disposed of as follows :—

Dismissed by default	479
Confirmed	4,468
Modified	487
Reversed	1,076
Remanded for fresh trial, Section 351, ...	565

and the remainder had been transferred or were pending at the end of the year.

Out of those disposed of, 810 were, before disposal, sent back to the lower Court for trial of fresh issues or for additional evidence under Sections 354, 356, Act VIII of 1859.

Pending file.

73. The pending file at the close of the year amounted to 521, about the same as in previous year.

Decrease in districts.

74. The Deputy Commissioners of the following districts have been relieved of a considerable amount of appellate work as compared with the preceding year :—

Gurgáon	49 per cent.
Ambálah	32 ,,
Ludiánah	40 ,,
Bannú	44 ,,
Derah Ismail Khan, ...	48 ,,

Increase in districts.

75. In the following districts the appellate work of the Deputy Commissioner has been appreciably increased :—

Karnál	52 per cent.
Rohtak...	30 ,,
Jálandhar	29 ,,
Jhelam...	24 ,,

The largest number of institutions in any one district was 601 in Hushiárpur, which also shows an increase of 18 per cent on the figures of 1872, due to the investment during the year of two Naib-Tahsildars with Civil powers and also to the completion of settlement operations.

Reversals.

76. The per-centage of reversals for the province in Deputy Commissioners' Courts is 15.

The per-centage of reversals was high in Courts of Deputy Commissioners of the following districts :—

Sirsa ...	21	per cent.
Amritsar ...	20	„
Montgomery ...	23	„
Derah Ghazi Khán ...	20	„
Pesháwar ...	26	„

It would appear from the reports that the reversals are most commonly due to errors of fact on part of the lower Courts ; but the distinction between errors of fact and errors of law is somewhat difficult to draw, inasmuch as many cases contain a combination of the two. In Dehli all reversals are attributed to errors of fact. In Karnál to error of law.

Remands under Section 351

77. The per-centage of cases remanded under Section 351 is 7·9 per cent. It is probable that there still exists some misapprehension as to the exact meaning of this section in the Courts of those officers where the proportion is so high as the following :—

Karnál ...	15	per cent.
Firozpur ...	14	„
Multán...	17	„
Muzaffargarh ...	14	„
Derah Ismail Khán ...	14	„

The per-centage of cases remanded for further investigation and trial of fresh issues (Sections 354, 356) is 11 per cent.

Duration

78. The average duration of appeals was 27 days, being three days longer than in 1872.

The following districts show a high average :—

Jálandhar ...	46	days
Hushiárpur...	51	„
Amritsar ...	87	„
Ráwalpindi...	46	„
Peshawar ...	49	„
Kohát ...	43	„

Procedure in hearing appeals.

79. Their procedure in hearing appeals is described by several officers, and extracts on this point will be found in the Appendix II.

Some officers make it a rule to issue summons upon the respondent as soon as the appeal is admitted. Others defer the issue of summons upon the respondent until they have heard the appellant and perused the files. A medium course lies in deciding upon a *primâ facie* view of the petition of appeal and the copy of judgment, whether the presence of the respondent is likely to be required or not, and acting accordingly.

It is obvious that the indiscriminate issue of a summons upon respondent in all cases defeats the object of Sec. 7 Act IX of 1873, and frequently puts the respondent to unnecessary trouble and expense.

80. The value and costs of appeals disposed of by Deputy Commissioners are shown in the subjoined Table (E):—

Table E.

Scale of valuation.		Number of appeals.	Aggregate value of appeals.	Aggregate cost of appeals.	Average value of appeals.			Average cost of appeals.			Per-centage of costs to value.
Not exceeding Rupees	5	799	1,763	1,070	2	3	4	1	5	5	60·7
Ditto	20	2,314	31,955	5,059	17	4	3	2	2	11	15·8
Ditto	100	3,210	1,51,681	20,844	47	4	0	6	7	11	13·1
Ditto	500	751	1,34,901	12,488	179	10	3	16	3	8	9·3
Total ...		7,074	3,20,303	39,461	45	[illegible]	5	5	9	3	12·3

It will be seen that in the scale of valuation the greatest number of appeals are in suits of a value of between Rs. 20 and 100.

3.—APPEALS IN COMMISSIONERS' COURTS.

81. The following table shews in detail the result of appeals to Courts of Commissioners, a column being added to shew the per-centage of cases disposed of by confirmation, reversal, or otherwise,

Table F.

Divisions.	Number of appeals for disposal.	Number disposed of.	Appeals withdrawn, transferred or struck off for default.		Confirmed.		Modified.		Reversed.		Remanded.	
			Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Dehli	743	689	84	12·2	392	56·9	17	2·4	164	23·8	32	4·6
Hissár	244	230	3	1·3	159	69·1	22	9·6	36	15·7	10	4·3
Ambálah	961	751	56	7·5	514	68·4	23	3·0	143	19·0	15	2·0
Jálandhar	1,152	897	60	6·7	615	68·5	72	8·0	99	11·0	51	5·7
Amritsar	1,050	551	35	6·3	366	66·4	16	2·9	87	15·8	47	8·5
Lahore	594	564	56	9·9	356	63·1	41	7·2	92	16·3	19	3·4
Ráwalpindi	636	565	41	7·2	401	70·9	16	2·8	66	11·7	41	7·2
Multán	280	261	4	1·5	185	70·9	15	5·7	42	16·1	15	5·7
Deraját	196	191	...	...	154	80·6	18	9·4	10	5·2	9	4·7
Peshâwar	106	94	1	1·0	51	54·2	10	10·6	18	19·1	14	14·9
Total. ... 1873	6,002	4,793	340	7·1	3,193	66·6	250	5·4	757	15·8	253	5·2
Total. ... 1872	4,307	3,510	278	8·0	2,190	62·4	226	6·4	500	14·2	316	9·0

Appeals instituted.

82. 5,231 appeals were instituted in Courts of Commissioners during the year.

Of these, 4,494 were appeals pending from the orders of a Court of first instance, and 737 from the order of a Deputy Commissioner passed upon appeal.

Adding 808 appeals pending from previous year, and 2 received by transfer, there was a total number for disposal of 6,041.

How disposed of.

83. These were disposed of as follows :—

Struck off for default	338
Confirmed...	3,194
Modified	250
Reversed	757
Remanded	253
Transferred	2

and as many as 1,247 remained pending at the close of the year.

84. In the number of institutions as well as of appeals disposed of there is a material increase, institutions having risen 34 per cent and cases disposed of 36 per cent.

Increase in the number of institutions is most marked in the following Divisions :—

Dehli ...	...	...	...	35	per cent.
Ambálah ...	...	...	...	63	"
Jálandhar...	...	...	...	54	"

In the two first the increase is counterbalanced by a decrease in the District Courts.

In Jálandhar, as has been noticed above, there is also an increase in the District Courts, chiefly due to the completion of settlement operations in certain parganahs of the Hushiárpur district, and to appeals connected with land in these parts being shewn in the Civil statement.

Reduction in pending file at Dehli.

85. It is satisfactory that in spite of the increase in institutions in Dehli the pending file has been reduced from 289 to 53. In the work of disposal the Commissioner has been assisted by the Deputy Commissioner.

86. The highest number of institutions in any one Divisional Court during the year was 2,578, in the Court of the Commissioner Jálandhar.

Pending file.

87. The highest number pending at the end of the year in any one Court was 593, in the Court of the Commissioner of Amritsar, where disposal quite fails to keep pace with institution.

A pending file of 30 speaks of prompt disposal in the Court of the Commissioner Lahore.

Reversals.

88. The proportion of reversals is noticeably above the average in Dehli, and high also in Ambálah and Pesháwar. Both the Commissioner of Dehli and the Additional Commissioner of Pesháwar have remarks upon the treatment of cases in appeal, which will be found in the Appendix II.

89. The proportion of cases remanded under Section 351 has fallen from 9 to 5·2.

The high per-centage of such cases in Pesháwar is explained by the Additional Commissioner, and is not likely to continue.

90. The value and cost of appeals in Commissioners' Courts will be seen from the annexed table, which calls for no further remark:—

Table G.

Scale of valuation.	Number of appeals.	Aggregate value of appeals.	Aggregate cost of appeals.	Average value of appeals			Average cost of appeals.			Per-centage of cost to value.
Not exceeding Rupees ... 5	221	718	503	3	3	3	2	4	1	70 0
" " ... 20	876	11,587	2,782	13	3	7	3	2	9	24 0
" " ... 100	1,969	1,20,398	13,827	61	2	4	7	0	4	11 4
" " ... 500	1,265	2,63,462	27,187	208	4	3	21	7	10	10 3
" " ... 1,000	203	1,50,525	13,072	7,416	6	0	64	6	3	8 6
" " ... 5,000	157	2,79,026	23,131	1,777	13	11	147	5	11	8 3
" " ... 10,000	14	1,11,091	5,522	7,935	1	1	394	6	10	4 9
" " ... 1,00,000	7	1,29,438	6,634	18,491	2	3	947	11	5	5 1
Appeals for which no values can be fixed	80	...	264	..	..	..	3	4	9	...
TOTAL ..	4,792	10,66,245	92,922	222	8	1	19	6	3	8·7

4.—APPEALS IN CHIEF COURT,

Institutions.

91. 1,585 Civil appeals were instituted in the Chief Court during the year, being 11·5 per cent in excess of the number of the previous year.

The increase was entirely in regular appeals, which have risen 71 per cent, and is chiefly observable in the appeals from the Dehli, Ambálah and Lahore Divisions.

In special appeals also there is a material increase in the Dehli Division and chiefly in the Gurgáon district.

Disposal of appeals.

92. Including cases pending from previous year there was a total number for disposal of 1,747, as compared with 1,579 in 1872.

93. The following Table (II) shows the way in which the appeals were disposed of, the figures for 1872 being added for comparison :

Table II.

YEAR.	Number of appeals disposed of.	*Appeals withdrawn, transferred or struck off for default.*		*Rejected and confirmed.*		*Modified.*		*Reversed.*		*Remanded.*		Average duration.
		Number.	Per-centage.	Number.	Per-centage.	Number.	Per-centage.	Number.	Per-centage.	Number.	Per-centage.	
1872	1,397	669	47·9	460	32·9	20	1·4	101	7·3	147	10·5	33
1873	1,412	47	3·3	1,087	76·2	9	0·6	147	10·4	122	8·7	38

For the year 1873 appeals rejected at preliminary hearing under Section 7 Act IX of 1873, have been classed with appeals confirmed instead of being shewn in the preceding columns as in previous years; this seems appropriate inasmuch as in both cases the appeal is rejected and the order upheld on the merits.

Of the total number disposed of (viz: 1,412) 26 were returned for further enquiry before disposal.

Of the 1,412 appeals disposed of, 479 were appeals in suits connected with land, which is slightly less than the number of such appeals disposed of in preceding year.

Appeals in other suits disposed of numbered 933, being upwards of 300 in excess of the number of 1872.

94. The pending file at the end of the year amounted to 335, or double what it was at the close of the previous year. This is to be attributed to a great extent to the fact that the increase in institutions was most marked towards the close of the year.

Pending file.

95. The following Table (I) shows the value and costs of appeals in the Chief Court during 1873.

Table I.

Valuation of suits		Appeals in suits other than for land.												Land Suits.											
		Number of suits.	Aggregate value of suits.	Aggregate cost of suits.	Average value of suits.			Average cost of suits.			Per-centage of costs to value.	Number of suits.	Aggregate value of suits.	Aggregate cost of suits.	Average value of suits.			Average cost of suits.			Per-centage of costs to value.
Not exceeding Rupees	5	30	115	146	3	13	4	4	13	10	126 9	41	112	188	2	11	8	4	1	6	167 8
Ditto	20	97	1,336	556	13	12	4	5	11	8	41·6	100	995	546	9	15	2	5	7	4	54 8
Ditto	100	227	11,401	2,036	50	3	7	8	15	6	17 8	199	10,609	2,024	53	...	11	10	2	8	19 0
Ditto	500	146	35,706	4,137	244	8	11	29	11	3	11 5	115	24,437	3,027	212	7	11	26	5	1	12·3
Ditto	1,000	31	19,129	2,533	617	1	...	81	11	4	13·2	16	11,216	1,160	701	...	...	72	8	..	10·0
Ditto	5,000	27	70,166	6,311	2,598	11	10	233	11	10	8 9	8	15,377	1,735	1,922	2	...	216	14	...	11 2
Ditto	10,000	5	33,617	2,879	6,723	6	4	575	12	9	8·5	...	...	...	...	...	...	..	...	...	...
Ditto	1,00,000	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Appeals for which no value can be fixed ...		*370	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total ...		933	1,71,470	18 598	183	12	...	19	14	11	10 8	479	62,746	8,680	130	15	10	18	1	11	13 8

157 applications for occupancy rights.
83 " for execution of decrees.
20 " for custody of wives.
110 " for declaratory decree.

370

The average value and cost of appeals in suits other than for land has largely diminished, the former from 316 Rs. to 184 Rs.; the latter from 33 Rs. to 19 rupees.

In the value and cost of appeals in land suits there is no material change.

96. Besides the appellate work, the following cases and petitions have been disposed of—

Cases under Section 35 Act XXIII of 1861	110
Cases under Section 16 Act IV of 1866	63
References from Small Cause Courts under Section 22 Act XI of 1865,	16
Petitions for removal and transfer of suits and appeals	16

Dates of receipt of Reports.

97. The Reports of the Commissioners were received in this office as follows:—

Ambálah	23rd February.
Jálandhar	25th ,,
Deraját	4th March.
Peshawar	4th ,,
Ráwalpindi	6th ,,
Hissár	11th ,,
Multán	12th ,,
Dehli	2nd April.
Amritsar	27th ,,
Lahore	9th May.

I have, &c.,

E. H. HARRISON,

Offg. Registrar, Chief Court, Panjáb.

APPENDIX I.

IMPERIAL RETURNS.

IMPERIAL RETURN No.

STATEMENT SHOWING THE NUMBER AND DESCRIPTION OF ORIGINAL CIVIL

YEAR

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
	Money due.									Suits for damages.						
	On written promise for sum certain.															
Courts.	Registered.	Unregistered.	On unwritten promise for sum certain.	On account stated.	For money paid or received.	For goods sold and delivered.	For breaches of contract not included in above.	Suits for rent other than of land.	Recovery of personal property, or the value thereof.	For injuries to the person.	For injuries to property.	For defamation.	For other injuries not included in above.	Suits to compel specific performance of contract.	Suits to set aside contracts and obligations on account of fraud, mistake, or accident.	Suits to compel or prevent particular acts by way of *mandamus* or injunction.
Small Cause Courts ...	1,247	15,557	9,279	3,254	258	4,324	850	803	1,475	...	115	...	44	...	...	...
Unpaid Local Tribunals. (*Honorary Civil Judges*)	314	3,442	2,802	2,580	67	136	55	107	913	20	42	17	33	18	36	3
Paid Sub-divisional Tribunals. (*Tahsildars and Naib-Tahsildars.*) ...	4,125	31,643	24,654	24,143	307	881	39	819	7,929	24	825	284	229	177	15	16
District Courts other than Chief Courts of Districts. (*Asst. and Extra Asst. Commissioners.*)	3,928	17,587	9,131	9,278	139	442	263	401	2,764	70	440	214	196	160	65	42
Chief Courts of Districts. (*Deputy Commissioners*)	35	68	39	83	2	2	1	5	15	1	3	2	2	3	...	...
Superior Court of General Jurisdiction. (*Chief Court*)	...	6	...	...	...	...	...	...	...	...	2	...	...	...	...	...
Total ...	9,649	68,303	45,905	39,338	773	5,785	1,208	2,135	13,096	115	1,427	467	504	358	116	61

No. 6.

1	38	39	40	41	42	43	44	45	46	47	48
	Claim in right of inheritance.			Suits for partition of immovable property.				Rent suits, not being Panjab Tenancy			
Courts.	Land only.	Other property.	Suits regarding the relative right of superior and inferior holders of land (other than rent suits).	Land only.	Other property.	Suits regarding boundaries.	Suits for, or relating to, real property not included in the foregoing.	Suits to recover arrears of rent from tenants without right of occupancy.	Suits to recover arrears of rent from tenants with right of occupancy.	Suits regarding illegal exaction, duress, distraint, or demand.	Suits regarding accounts, &c., by or against Agents, &c.
Small Cause Courts ...	...	...	...	...	...	...	...	...	...	...	...
Unpaid Local Tribunals. (*Honorary Civil Judges.*)	8	8	37	28	41	12	392	85	7	1	...
Paid Sub-Divisional Tribunals (*Tahsildars and Naib-Tahsildars.*)	247	115	591	203	222	183	2,675	3,269	1,054	136	78
District Courts other than Chief Courts of Districts (*Assistant and Extra Asst. Commissioners.*)	272	149	236	324	216	144	1,836	550	216	1[illegible]	16
Chief Courts of Districts (*Deputy Commissioners.*)	1	1	...	...	1	...	21	2	1	...	...
Superior Court of General Jurisdiction (*Chief Court.*)	...	...	...	...	...	...	...	...	...	...	...
Total ...	528	273	864	555	480	339	4,924	3,906	1,278	149	94

SUITS DISPOSED OF IN THE DISTRICTS OF THE PANJAB DURING THE 1873.

18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37
			Suits relating to Marriage, Dower and Divorce.							Claim to inheritance.								Suits relating to mortgage of immovable property	
										Under Muhammadan Law.		Under Hindu Law.		Under any other law.					
Suits to settle partnership and other accounts	Suits connected with religion and caste	Suits relating to administration of trusts and religious endowments.	Suits connected with betrothal.	Suits for custody of wives.	Other suits.	Suits to establish or dispute adoption.	Suits regarding custody and guardianship of infants and lunatics.	Other suits to establish or declare personal rights.	Suits to establish or contest wills.	Land only.	Other property.	Land only.	Other property.	Land only.	Other property.	Suits to establish or contest the acts of Hindu widows.	Suits relating to the revenue.	Land only.	Other property.
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
20	...	3	88	47	16	1	2	11	...	1	2	13	6	73	11	2	131	53	46
120	5	12	452	91	57	7	2	107	...	206	89	194	43	1,745	378	...	4,280	945	356
271	6	40	956	1,265	175	61	22	105	3	158	90	231	114	1,449	342	5	1,337	1,081	644
8	...	...	9	15	9	...	4	4	...	1	4	1	7	6	1	...	14	27	2
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
419	11	55	1,505	1,418	257	69	30	227	3	366	185	439	170	3,273	732	7	5,712	2,106	1,048

concluded.

49	50	51	52	53	54	55	56	57	58	59	60	61	62	63
Suits under the Act.		Suits under the Panjab Tenancy Act.												
Suits to resume or assess land held exempt from revenue or rent.	Suits not included in columns 45 to 49, not being suits under the Panjab Tenancy Act	Suits under Section 5 by tenants for right of occupancy	Suits to establish right of occupancy under Section 8 on other grounds than those mentioned in the previous Sections of the Act.	Suits under Section 6 by landlord for rebuttal of presumptive right of occupancy.	Suits under Sections 10 and 11 for enhancement of rent.	Suits under Section 14 for abatement of rent.	Suits for arrears of rent where remission is allowed under Section 15.	Suits under Section 18 to set aside award of division and appraisement of produce taken for rent.	Suits under Section 19 by landlords for ejectment of tenants with right of occupancy (Sec 19, Clause 1)	Suits under Section 19 by landlords for ejectment of tenants with right of occupancy (Sec. 19, Clause 2)	Suits under Section 20 by landlords for ejectment of tenants without right of occupancy	Suits under Section 25 by tenants to contest notice of ejectment.	Suits under Section 26 by tenants on account of illegal ejectment.	Remarks.
...	...	...	...	...	...	...	...	...	...	...	...	...	...	
...	5	16	4	...	8	...	1	...	3	..	...	1	2	
17	492	261	33	44	28	3	5	5	35	123	204	30	214	
7	46	261	41	116	106	21	11	12	19	73	61	18	101	
	3	2	...	..	...	...	...	...	...	...	..	1	..	
	..	...	...	..	...	...	..	...	...	...		...	...	
24	546	540	78	160	142	24	17	17	57	196	265	50	317	

No. 7.

STATEMENT SHOWING THE VALUE OF SUITS DISPOSED OF IN THE CIVIL COURTS OF THE PANJAB DURING THE YEAR 1873.

1	2		3		4		5		6		7	8	
	Number of Suits Disposed of in Different Courts.												
VALUE OF SUITS.	Small Cause Court.		Unpaid Local Tribunals (*Honorary Civil Judges*).		Paid Sub-Divisional Tribunals (*Tahsildars and Naib-Tahsildars*).		District Courts other than chief Courts of Districts. (*Assistant and Extra Assistant Commissioners*).		Chief Courts of Districts (*Deputy Commissioners*).		Chief Court of Province.	Total value of suits.	
	Land.	Other.	Land.	Other.	Land.	Other.	Land.	Other.	Land.	Other.		Land.	Other.
Not exceeding Rs. 5	...	6,392	122	2,181	3,176	18,080	1,123	3,711	8	16	...	14,470	1,14,308
Do. 20	...	14,772	143	4,492	4,590	44,682	2,523	13,874	8	32	...	55,745	9,74,923
Do. 100	...	13,349	104	4,210	3,456	35,771	3,031	22,189	28	99	...	3,23,378	32,85,122
Do. 500	...	2,694	30	495	656	5,103	1,341	8,779	16	94	3	3,92,374	21,37,654
Do. 1,000	...	...	...	4	...	...	135	1,039	4	27	1	1,08,524	7,94,357
Do. 5,000	...	...	...	...	...	...	62	520	5	31	3	1,26,263	11,51,059
Do. 10,000	...	...	...	...	...	...	...	34	1	4	1	9,060	2,60,373
Do. 1,00,000	...	...	...	...	...	...	...	3	2	21	...	37,903	5,38,696
Exceeding ... 1,00,000	...	...	...	...	...	...	...	...	...	...	...	...	...
TOTAL	...	37,207	399	11,382	11,878	1,03,636	8,215	50,149	72	324	8	10,67,717	92,56,492

No. 8

STATEMENT SHOWING THE GENERAL RESULT OF THE TRIAL OF CIVIL SUITS IN THE COURTS OF ORIGINAL JURISDICTION IN THE PANJAB DURING THE YEAR 1873.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
	Number of Cases on the File				Disposed of without Decree				Decree passed.												Average duration of suits.	
									Without contest.				With contest.									
Class of Courts.	Suits remaining from last year.	Filed in 1873.	Received by transfer.	Total for disposal.	Transferred.	Dismissed for default.	Withdrawn with leave.	Adjusted by mutual agreement.	Compromised.	Decreed on confession.	Decreed ex-parte.	Dismissed ex-parte	Judgment for plaintiff in whole or part	Judgment for defendant.	Referred to arbitration.	Total disposed of.	Pending.	Over two months.	Over four months.	Plaints rejected or returned.	Contested.	Uncontested.
Small Cause Courts ..	1,088	37,040	93	38,221	1	6,334	130	3,760	4,192	7,414	3,279	90	8,640	3,143	217	37,206	1,015	1	...	446	10	9
Unpaid Local Tribunals ... (*Honorary Civil Judges*).	384	11,642	302	12,328	1	1,935	121	945	567	3,326	791	63	2,953	726	352	11,780	548	14	2	36	21	21
Paid Sub-Divisional Tribunals .. (*Tahsildars and Naib-Tahsildars*).	4,157	1,14,318	931	1,19,406	30	18,557	1,927	15,296	5,866	26,815	7,177	699	25,907	10,713	2,370	1,15,357	4,049	72	...	1,004	20	20
District Courts other than chief Courts of Districts. (*Assistant and Extra Assistant Commissioners*).	4,096	58,464	500	63,060	92	11,255	890	4,788	2,303	10,984	4,337	424	14,337	7,886	1,348	58,644	4,416	439	43	1,750	34	31
Chief Courts of Districts ... (*Deputy Commissioners*).	33	391	3	427	5	51	4	26	25	70	33	4	106	69	13	406	21	2	4	21	43	24
Superior Court of General Jurisdiction (*Chief Court*) ...	3	9	...	12	...	...	...	...	1	...	...	...	5	3	...	9	3	...	3	...	64	149
Total ...	9,761	2,21,864	1,829*	2,33,454	129	38,132	3,072	24,815	12,954	48,609	15,617	1,280	57,954	22,540	4,300	2,23,402	10,052	528	52	3,257	23	21

* Cases re-admitted under Section 119 Act VIII of 1857 have been included in column 4.

IMPERIAL RETURN

NO. 9.

STATEMENT SHOWING THE BUSINESS OF THE CIVIL APPELLATE COURTS OF THE PANJAB DURING THE YEAR 1873.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
	For disposal.						Heard ex-parte.			Contested.										
Class of Courts.	Remaining from last year.	Instituted.	Received by transfer	Total.	Transferred.	Dismissed for default, or under Sections 5 and 6, Act XXIII of 1871.	Confirmed.	Modified.	Reversed.	Confirmed.	Modified.	Reversed.	Remanded.	Total disposed of.	Pending at end of year.	Over two months.	Over four months.	Average duration.	Objections under Section 348 of Act VIII of 1859.	Objections allowed.
Appellate Courts other than chief Courts of Districts ... ... (*Assistant Commissioners*).	1	70	...	71	...	5	13	...	...	29	6	18	...	71	...	...	...	27	...	...
Chief Appellate Courts of Districts ... (*Deputy Commissioners*).	509	7,070	1	7,580	55	474	953	32	50	3,473	449	1,008	565	7,059	521	90	90	27	7	...
Total ...	510	7,140	1	7,651	55	479	966	32	50	3,502	455	1,026	565	7,130	521	90	90	27	7	...
Superior Appellate Courts (*Commissioners*)	340	3,545	2	3,887	2	261	237	7	14	1,951	166	511	141	3,290	597	87	66	62	10	6
Additional Commissioners	468	1,686	...	2,154	...	71	98	5	11	908	72	221	112	1,504	650	146	370		...	...
Total ...	808	5,231	2	6,041	2	338	335	12	25	2,859	238	732	253	4,794	1,247	233	436	62	10	6
Chief Court of Province ... Regular	44	417	...	461	...	8	56	...	...	151	5	76	13	309	152	...	...	38	...	...
Chief Court of Province ... Special	118	1,168	...	1,286	3	36	657	...	...	223	4	71	109	1,103	183	...	...			
Total ...	162	1,585	...	1,747	3	44	713	...	...	374	9	147	122	1,412	335	...	...	38	...	...
Grand Total ...	1,480	13,956	3	15,439	60	861	2,014	44	75	6,735	702	1,905	940	13,336	2,103	323	526	...	17	6

No. 10.

STATEMENT SHOWING THE EXECUTION OF THE DECREES OF THE CIVIL COURTS OF THE PANJAB DURING THE YEAR 1873.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
CLASS OF COURTS.	Applications to Execute Decrees.											Nature and number of coercive processes issued.					
	Pending.	Filed.	Received by transfer.	Total.	Decrees completely executed.	Decrees partially executed.	Decrees in which there was no execution.	Transferred.	Total disposed of.	Pending.	Number of cases in which specific performance was enforced.	Arrest of person.	*Movable property.* Attached.	*Movable property.* Sold.	*Immovable property.* Attached.	*Immovable property.* Sold.	Orders under Section 243 of Act VIII of 1859.
Small Cause Courts	735	15,381	7,303	23,419	5,087	8,752	8,465	317	22,621	798	191	2,414	8,625	1,596	5	...	...
Unpaid Local Tribunals ... ... *(Honorary Civil Judges).*	455	3,793	636	4,884	1,937	1,084	1,350	3	4,374	510	64	197	1,654	346	241	48	...
Paid Sub-divisional Tribunals ... ... *(Tahsildárs and Náib-Tahsildars).*	5,175	41,699	11,692	58,566	23,513	13,713	16,073	182	53,481	5,085	632	2,010	18,919	3,730	2,547	533	18
District Courts other than chief Courts of Districts ... *(Assistant and Extra Assistant Commissioners).*	3,525	22,837	7,123	33,485	10,553	7,085	11,547	338	29,523	3,962	565	1,466	10,944	2,558	2,363	772	16
Chief Courts of Districts ... ... *(Deputy Commissioners).*	40	259	120	419	104	88	158	35	385	34	14	20	120	24	33	9	3
Total ... 1872	10,693	1,04,037	539	1,15,269	42,809	28,248	33,403	848	1,05,308	9,961	1,090	6,613	36,908	8,994	7,111	2,233	84
Total ... 1873	9,930	83,969	* 26,874	1,20,773	41,194	30,722	37,593	875	1,10,384	10,389	1,466	6,107	40,262	8,254	5,189	1,362	37

* These figures include 26,165 readmitted cases. In previous years these cases were included with institutions.

APPENDIX II.

EXTRACTS FROM LOCAL REPORTS.

PART 1.—CASES DECIDED EX-PARTE AND DISMISSED ON DEFAULT.

COLONEL J. E. CRACROFT, *Commissioner, Delhi Division.*

Regarding cases dismissed for default, the Deputy Commissioner Karnal offers some deprecatory remarks in connection with the facilities afforded by our Courts in entertaining suits. He observes that there were 475 cases dismissed under Section 110 of Act VIII of 1859, neither party attending; and that it is fair to assume that the bulk of the plaintiffs found the mere issuing of the first process sufficient for their purpose; and the Deputy Commissioner Delhi observes that those cases and those closed on razinamahs bear a close affinity to each other. In many cases where the parties agree out of Court, they do not appear at all to notify the facts to the Court. The Deputy Commissioner Karnal also observes that 47 cases were dismissed for default of plaintiff; and in no case were amends made to the defendant for the trouble entailed in putting in an appearance to dispute the claim.

The broad fact is that only *one-fourth* of the whole litigation was contested. It is a fact of serious import, the inferences to be drawn from which I will not discuss, but the subject requires to be well considered.

LIEUTENANT COLONEL C. A. MCMAHON, *Officiating Commissioner and Superintendent, Hissár Division.*

Causes of the dismissal of cases on default.

The dismissal of cases on default may be referred partly to the settlement of suits out of Court, and partly to the neglect of native Judicial Officers to explain to litigants the dates to which the hearing of their cases is postponed.

Neglect to inform litigants of the dates of postponement.

Every effort is being made to check the latter defect, but until the race of old Tahsildars who have been trained under a different order of ideas to those now prevailing are pensioned, or until the contemplated change in the Judicial agency of the Panjab is introduced, a complete cure cannot be expected.

R. T. BURNEY ESQUIRE, *Deputy Commissioner, Gurdaspur.*

Imperfect disposal of cases by ex-parte decree and dismissals on default.

The number of cases of all kinds disposed of this year is 12,824, against 12,622 last year, leaving 709 cases on the file against 1,011 of 1872. If it was certain that all these 12,824 cases had been *bonâ fide* disposed of, and would not reappear as re-admitted under Section 119, the working of the year might be considered remarkably good. But 755 have been decided ex-parte and 3,375 by default. So that out of 12,824 cases decided there are 4,130, or about one-third, which have been

only imperfectly decided. Bad as these figures appear they are nevertheless a little better than those of last year, which showed 12,622 decisions altogether, of which 854 cases were decided ex-parte and 3,627 by default, or 4,481 in all. Thus out of the whole of the cases disposed of during the two years, more than one-third last year and about one-third this year were imperfectly disposed of. Judging from these figures it would appear that nearly one-third of the people who institute suits in our Courts are either accidentally absent at some stage of the proceedings, or throw up the case before it is concluded. Allowing for a fair proportion of cases where the plaintiff's claim is satisfied out of Court, and for some few cases where one of the parties really does fall ill, yet there remains a wonderfully large proportion of suitors who appear to lose their cases through their own unpunctuality. But as far as my own experience goes, suitors present themselves at this Court with remarkable punctuality, notwithstanding that for several months of the year I have been travelling in different parts of the district. Litigants are willing to travel any distance with an officer in camp, seem ready to undergo any amount of inconvenience rather than absent themselves when their case comes on for hearing, and when cases are heard at the sadr not one per cent of the suitors default.

Hearing of cases on days fixed

It is difficult therefore to believe that, if cases are heard on days which have been fixed beforehand, and notified to the parties, there would be anything like this number of cases struck off. But an inspection of the files of the lower Courts shews that if cases are called on on the fixed dates they are at all events not tried on those dates. The cause lists that I have seen appear written up, but there are always a great number of postponements, and there is often nothing in the record to shew that these postponements were intimated to the parties. But even when it appears that it has been intimated to the parties that the case was adjourned to a certain date, yet the postponements are far too frequent, and thoroughly calculated to perplex and inconvenience suitors and to cause defaults.

Postponements of cases.

If the provisions of the Code are strictly adhered to postponements should be by no means common. But no case appears ever to be decided without several postponements; many are adjourned again and again, so that it is not to be wondered at that litigants fail to attend whether the case is heard on a day fixed beforehand or on some other day.

These postponements appear to me due very much to faulty procedure. It will be seen on inspecting the files that plaints are not examined when presented, but admitted at once and summons are issued on them. Defendants are allowed to file written pleas without being examined, and these written pleas often contain no proper reply to the matter alleged in the plaint. Issues are drawn at hap-hazard, and witnesses are summoned without it being known beforehand what they are wanted to prove. Under these circumstances it is not to be wondered at that after the case has been pending for more than a month all kinds of new points arise which entirely alter the state of the case and shew that the proceedings hitherto have been going in a wrong direction, so that the work has to be done over again. Hence there are more postponements and more delays and more chances for striking off the case on default.

If the Courts would follow the provisions of the Code exactly, and if they would examine the plaintiff and understand thoroughly the nature of his plaint before summoning the defendant, and if they would examine the defendant before drawing the issues, cases would be

disposed of in half the number of hearings. There would then be no necessity for these numerous postponements, and as a consequence the number of cases struck off on default would be very materially diminished. The fact appears to be that many native officials leave the case at the early stages to their Mohurrirs, and that they do not give it their real attention till after the depositions of the witnesses have been recorded. The abstract of evidence required to be written by them as the case goes on is not really written by them as the case goes on, but only when the Mohurrir announces that the case is ripe for decision. They then find that the case has to be gone through again and adjournments are necessary.

PART 2.—PROCEDURE.

COLONEL J. E. CRACROFT, *Commissioner Dehli Division.*

Procedure of Lower Courts.

On inspection of the files of the lower Courts that come before me in appeal, I frequently find that the provisions of Sections 180, 185 and 186 of Act VIII of 1859 are not sufficiently acted up to. Issues are sometimes not properly fixed, cases are too readily referred to Commissioners for enquiry, when the Courts could readily make the enquiries themselves; examinations of witnesses are not always carried on in conformity with the provisions of Section 172, and are often incomplete. Judgments are not always recorded in accordance with the law. But as said before, I mark an improvement in most respects on the preceding year.

D. G. BARKLEY ESQ., *Offg. Deputy Commissioner Jalandhar.*

Summons for final disposal.

The issue of summons for final disposal is now very common, but I should be sorry to interfere with the discretion of the Court in issuing summons for settlement of issues, when this seems to them the more appropriate course. In some cases I have found that the circumstance of the summons being for final disposal misleads the Court, and causes it to exclude evidence which is essential to the decision of the case, merely because it is not produced at the hearing. Except in cities, where Small Cause Courts exist, it is very rarely indeed that either party thinks of bringing his witnesses until he is told by the Court, after hearing the parties, on what points it requires proof. If either plaintiff or defendant has to come from a distance, he can hardly be expected to bring witnesses on the mere chance of their being necessary, while there is some probability that the opposite party may admit everything the witnesses could prove. Even the very reasonable rule requiring documents relied upon to be put in on the first appearance of the party, often cannot be enforced, because the parties have not yet learnt that they ought to do this.

J. G. CORDERY, ESQ., *Deputy Commissioner Gujránwálah.*

Summons for final disposal.

Summons for final disposal can fairly be issued to defendants who are of the same class and who live in the same town as their plaintiff. Where parties, as in the great majority of cases, are not on the same level either of intelligence or of knowledge of our Courts, I would most earnestly deprecate the practice.

H. E. PERKINS, ESQ., *Deputy Commissioner Gujrât.*

Examination of plaintiff

I beg leave to suggest that Courts should be all made to look more narrowly into their initial procedure. The same spirit which has enjoined that most wholesome provision of the Criminal Code that complainants should be examined and their statements written down before the case goes further, should govern also our Civil Courts. Not only should plaints be thoroughly examined and tested, and inconsistencies detected, but executions should be similarly scrutinized and applications to sue in *formâ pauperis* also.

J. D. TREMLETT, ESQ., *Offg. Deputy Commissioner Muzaffargarh.*

Summons for final disposal.

In regard to Book Circular No. X of 1871, I would venture again to urge, as I did last year, that this district is in far too backward a state to make such a procedure generally desirable. There is nothing here in the way of a bar by means of which the defendant can learn really the nature in detail of the case against him until it comes on for hearing, so he is very likely after all to come in without his witnesses, and then gets the benefit of hearing the adverse proof as well as claim; while in the case of a defendant fresh from the jungle, the Court could scarcely refuse him a remand, if he urged he had witnesses whose testimony would help him. But my strongest objection is in the interest of the witnesses, many of whom are certain to be needlessly harassed under this system. Even after the issues have been carefully explained to the parties, needless and irrelevant witnesses are constantly called, but this *must* be the case when two ignorant peasants are left to arrange their own cases. But in addition to witnesses needlessly called through the ignorance of the litigants as to what proof is really requisite, where summonses are issued for final disposal the plaintiff *must* in order to protect himself, bring witnesses to establish his claim, whose evidence may be at once rendered superfluous by the defendant admitting the plaintiff's allegation, but pleading payment or other set-off, since, if, anticipating such a defence, he omitted bringing them, he would at once leave himself at the mercy of an unscrupulous defendant. It will be long before litigants in the rural parts of the province at any rate agree between themselves as to the points they will admit and those they will dispute, in order to save costs; and until this be done it seems to me that it is the bounden duty of the Courts to see that the vexation of summoning third parties, often long distances away from their homes, to give evidence because two other men chose to quarrel over their business, be reduced to a minimum. For my part I would rather the litigants had to come to Court five times, than that superfluous witnesses should be dragged there once, and I greatly fear that our present system is vastly unpopular on this very account.

CAPTAIN R. T. M. LANG, *Officiating Deputy Commissioner, Multan.*

Summons for final disposal.

The provisions of Section 41 of Civil Procedure Code are fairly acted up to.

The lower Courts are getting more into the habit of issuing summons for final disposal of the suit. But it is doubtful whether the people of this uncivilized district have yet learnt the necessity of complying with the order contained in the summons. The Courts are consequently lenient in the matter of bringing the strict legal consequences of default to bear upon the parties. In this I think they act wisely and fairly; for the measure is one which may be in-

troduced gradually with advantage to the country, but one which if thrust upon the wilder portions of this province would inflict unnecessary injury and hardship on the people.

MAJOR J. S. TIGHE, *Officiating Commissioner, Multan Division.*

Summons for final disposal.

The Deputy Commissioner of Muzaffargarh strongly objects to the procedure enjoined by Book Circular X of 1871; the matter is so thoroughly explained in paras 41 and 43 of the Civil Report of 1872, that no misconception ought to exist. There is no objection whatever to the procedure laid down in cases to which it is *applicable*, such as suits on bonds registered or unregistered, on notes of hand, and all suits of that class: it is not applicable to suits for land or of any importance likely to involve intricate accounts. The Deputy Commissioner Multán, remarking on the same circular, takes a more liberal view of the question.

Examination of plaintiff.

The Deputy Commissioner Jhang has offered some remarks about the insufficiency of the examination of the plaintiff previous to summoning the defendant, and there is no doubt a good deal of laxity in some Courts in this respect, but not I think to the extent implied by the Deputy Commissioner. The Civil Procedure Code provides a full procedure in the matter, and it is in the power of the supervising officers to see those provisions enforced by the Courts subordinate to them.

PART 3.—EXECUTION OF DECREES.

LIEUTENANT COLONEL H. P. BABBAGE, *Deputy Commissioner Karnál.*

On Section 206.

Section 206 of the Act has I fear produced injustice. It is obligatory on the Court and not permissive. I apprehend that Courts in this district have seldom or never exercised their power of directing that the adjustment of the decree need not be made through the Court or certified to the Court, and the litigants are generally ignorant of the law. I would have every Court enquire after giving a decree what the parties wish as regards this Section, and order accordingly or as they find best.

LIEUTENANT COLONEL C. A. MCMAHON, *Officiating Commissioner Hissár Division.*

Persons arrested and confined in execution of decrees.

Only 26 persons were confined in the Civil Jail during the year, but 234 persons were arrested in execution of decree. I am disposed to infer from these figures that the arrest of the person proved an effectual mode of enforcing the just rights of plaintiffs in 208 out of 234 instances. In some cases the friends and relations of debtors may have interposed, but I think it is a fair inference that in the majority of cases in which the person of the debtor was arrested, the latter would not have made satisfactory arrangements for the payment of their debts had it not been for the wholesome provision of the law, which enables a judgment-creditor to bring his debtor face to face with the alternative of the Civil Jail. I believe it is the experience of County Court Judges at home that, but for the power of committing the debtor to prison, a large number of persons who are perfectly able to pay their petty debts, would fraudulently withhold payment.

D. G. BARKLEY ESQUIRE, *Officiating Deputy Commissioner, Jálandhar.*

Section 244.

Shortly after taking charge I found that in giving effect to the provisions of Section 244 of the Civil Procedure Code, it was not customary to offer the land to any one but the decree-holder. I directed that it should invariably be offered to solvent co-sharers, and only on their declining to take it at the value estimated should the decree-holder be allowed to take it up. When any of the solvent co-sharers are willing to accept it, security is required. In several cases, it has been taken up by solvent co-sharers, and though in most cases they decline to take it at the estimated valuation, the offer being made to them affords some guarantee against its being under-valued. In one case a higher annual rent than the value originally estimated was obtained.

In these cases the law seems defective in making no provision for enabling the debtor to be maintained in possession of a portion of his land, where the Court sees fit to direct this, as a tenant to the transferree. The transfers are often for periods of from 7 to 12 years, and where the proprietor has no other means of livelihood the transfer may prove almost as rigorous a process as actual sale. In many cases, the proprietor is allowed to hold the whole or part of the land as tenant, but he is completely at the mercy of the transferree, and the number of applications for the intervention of the Court to bring about such an arrangement, which I have received during the year, has been such as to show that the want of some protection is seriously felt. The applications are often made long after the transfer has been completed, when it is too late to attempt to bring any influence to bear.

CAPTAIN G. G. YOUNG, *Deputy Commissioner Hushiárpur.*

Cases dealt with under Section 244.

In giving effect to the provisions of Section 244 of Act VIII, I have lately taken advantage of the opportunity for securing to the proprietor the right to continue his possession as cultivator of his own "khud-kasht" lands, on the terms generally obtaining in the village.

This seemed a necessary step, as ordinarily the first thing a judgment-creditor does on obtaining a transfer for a term of years, is to oust the proprietors from all their lands and put in his own "assamis."

It is a comparatively simple matter ordinarily to provide for when the land is about to be transferred, but if the opportunity is not taken then it is difficult often to arrange subsequently.

R. T. BURNEY ESQUIRE, *Deputy Commissioner Gurdáspur.*

Punctuality in execution of decrees.

The Courts have been frequently reminded that days should be fixed for hearing the parties in cases of execution of decree, and that they should not be struck off on default unless the case is actually heard on the day fixed and the parties fail to appear on the day. The figures above given would seem to shew either that cases are not presented on days fixed, or that decree-holders are the most unpunctual of men, which latter supposition is most unlikely.

It would seem that, if the Courts acted up to the Code there would no longer be foundation for the popular notion that it is easy enough to get a decree but very difficult to get the money which has been decreed. The Courts which decree as a rule do not usually fix instal-

ments, and therefore when a petition for execution of decree is lodged within the year (as is usual) either the property of the judgment-debtor or his person should be attached, and it is left for the judgment-debtor to shew cause why he should not be sold up or imprisoned. These provisions of the law appear to give every facility to the judgment-creditor to realize his money, and appear to leave but little opening for the judgment-debtor to evade payment. If they were carried out strictly a much greater per-centage would be realized. But on inspecting the files it is found that in many cases Courts take the applications of the judgment-creditors for execution of decree without taking a list of the property which is to be attached. They will then summon defendant, though there is no necessity for so doing. He is summoned for a certain day, and the case is very likely not heard on that date. If it is heard and the parties are present, the plaintiff is directed to go to defendant's house and point out the property to a sheriff's messenger. The plaintiff and sheriff's messenger miss each other, or the latter comes back without having attached the property. In this way much time is lost, two or three opportunities occur for striking the case off on default, and the chances for the plaintiff to recover his money are small. Throughout these proceedings the decree-holder appears at a disadvantage, which is certainly not the position contemplated for him by the Code. The Chief Court have commented in the quarterly statements on the small per-centage of realizations, and the attention of the Courts has been frequently called to the subject. It is to be hoped that the returns will shew better next year,

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J. W. SMYTH, ESQ., *Deputy Commissioner Lahore.*

During the course of the year the attention of the Commissioner was drawn to the perfunctory manner in which a good deal of the execution work was done by the Courts, and more especially to the want of proper supervision of sales of immoveable property, and he directed that in all city cases where immovable property was sold in execution of a decree, the execution file should be made over to one particular officer, who should be responsible that the sale was properly conducted, and who should, as a rule, go in person to the place and superintend the sale, instead of leaving it to some of the ministerial officers of the Court. Narain Singh was the first officer to whom this work was made over. When he left the district, Burkat Ali Khan took it up, and Sodhi Hukim Singh is now entrusted with it. Hitherto the experiment has worked well, and I should like to see the principle extended. Decrees will not be carefully executed so long as execution work is not regarded by the Courts as of equal importance with the decision of original cases.

LIEUTENANT COLONEL R. YOUNG, R. E., *Officiating Commissioner Lahore Division.*

The large proportion realized in Lahore is no doubt attributable to a great extent, to the measures introduced during the year for the more careful supervision of sales of immovable property. This work is now entrusted to one particular officer, an Extra Assistant Commissioner, instead of as before being left in the hands of one of the ministerial officers of the Court.

Great care in this respect is also observed in the Gujránwálah Courts.

The Deputy Commissioner of Gujránwálah states that the determination of the Chief Court not to sanction the sale of lands, or of agriculturists' houses or oxen, in satisfaction of an

ordinary debt, has been accepted without complaint on the part of creditors, who are conscious of its real fairness. Temporary alienation of landed property under Section 244 of Act VIII has been resorted to in six instances. Immovable property has been attached in 243 cases, but has been sold in only 44.

LIEUTENANT COLONEL A. A. MUNRO, *Officiating Commissioner Deraját Division.*

General remarks on execution of decrees.

While disposed to give some weight to a few of the objections urged against the system enjoined for execution of civil decrees, I cannot see how the provisions of the law are to be enforced without adhering to the stringency which admittedly characterizes them. The decree-holder, in the event of a judgment-debtor failing to make voluntary payment, is justified by the law in putting certain coercive measures in force against the debtor; and, having obtained a decree by order of Court, is surely entitled to recovery of his money by processes which the law has sanctioned. Many of the arguments adduced against alleged harshness exercised in execution of decrees are more applicable to the decision of the Courts in the first instance than to the modes of suing out execution, without which money decrees would be useless and inoperative.

More attention than usual has recently been given in this Division to the proper conduct of suits in execution of decree, and the advantages are manifest. Some exceptional cases of hardship may occasionally be brought to notice; but, in the main, justice is done by putting the decree-holder in possession of his rights.

PART 4.—APPEALS.

C. P. ELLIOTT, ESQUIRE, *Deputy Commissioner, Ambálah.*

Preliminary reception of appeals.

I take petitions of appeal daily and at once enter them in the register and fix a date for hearing. A slip of paper with this date on it is given to the appellant. At the time of hearing the file is produced whether the respondent has been summoned or not, as it is usually in the record office (the Tahsildárs and Honorary Judges having been ordered to send in all files within 10 days from the date of decision). It rarely happens that the appellant is absent when his case is brought on, but if he does not answer to his name the file is placed on one side till the afternoon, when he is again called; if still absent the case is dismissed on default; but sometimes, especially if I am marching about the district, I adjourn to the next day, so as to give him another chance. Supposing the appellant to be present I hear the judgment of the lower Court, and often some of the depositions and the grounds of appeal, and take rough notes in English, from which I afterwards write my judgment. If there appears to be no reason to interfere with the orders of the lower Court, judgment is at once pronounced; if I have any doubt as to the justice of the order, or if I wish to examine the respondent or to inspect his account books or to examine any of the witnesses, I issue a notice to the respondent. Thus the hardship of needlessly summoning the respondent is avoided. It is quite the exception when I send for the respondent without having first heard and made a rough abstract of the case; but it would be a mistake to suppose that appeals shewn in the statements as decided 'ex-parte' are summarily dismissed; nearly as much labour is bestowed upon them as on those described as "contested." If the respondent were always summoned on an appeal being filed I believe some malicious persons would appeal merely in order that the

opposite party might have the trouble of travelling 40 or 50 miles to defend his case. No orders have been reversed or modified or remanded except in the presence of the respondents. In 174 cases both parties were present when the final order was passed; in 171 the judgment of the lower Court was confirmed ex-parte, and 17 were dismissed in default of the appearance of the appellants.

System of appeal.

I have little to add to my last year's remarks regarding the appeal system. It certainly would not be judicious or popular to allow the subordinate Native officers who now dispose of more than half the civil business of the province to decide suits, even of small value, without an appeal; but possibly the Small Cause Court system might be extended with advantage to many populous towns, provided that the Judges were carefully selected, with the knowledge that every decision may come under the eye of their superior officer on appeal. I believe that our Tahsildars for the most part do justice to the best of their ability, but I have not so high an opinion of their honesty as to think that this wholesome restriction could safely be withdrawn.

MAJOR E. P. GURDON, *Officiating Deputy Commissioner Ludhiánah.*

System of appeals.

In general it is my practice to summon the respondent as a precautionary measure, and as the records of the appealed cases are always filed in the office and available at a moment's notice no inconvenience is sustained in inspecting them to test the accuracy of complaints set forth in a petition of appeal. It is not frequent that a petition of appeal with merely the copy of the order is sufficient to enable the Appellate Court to then and there pass a final order dismissing the appeal ; and although some delay is doubtless involved in the other course, *viz.* of summoning the respondent or giving him the option at any rate of appearing, the interests of justice are better consulted.

System of appeal.

Some finality of decision in very petty money claims, say up to 10 or 20 rupees value, would be a useful improvement; and I believe, if the records of such cases were duly inspected and supervised from time to time no evil effects would ensue, and the people doubtless would acquiesce as willingly in this measure as in the finality of Small Cause Court cases, involving value ranging as high as 500 rupees, and in which hardly any record is necessarily incumbent on the Judge, at any rate naught but the very briefest.

J. W. MACNABB, ESQUIRE, *Commissioner and Superintendent Ambálah Division.*

System of appeal.

I should much regret to see the present appeal law altered. I believe that the right to appeal is much prized by the people, and that the possibility of appeal is a great check on the working of the Courts. It tends to make Native Judges honest and European Judges careful.

Courts of Small Causes.

I should much regret to see the number of Small Cause Courts increased, and should be glad to see the money limit of their powers reduced.

D. G. BARKLEY ESQUIRE, *Officiating Deputy Commissioner Jálandhar.*

Land cases.

Of 554 appeals disposed of, 160 were in land cases. But 705 land cases only were disposed of by the Courts of original jurisdiction; and from Statement IV, allowing that the greater proportion of the land cases disposed of by Assistant Commissioners and Extra Assistant Commissioners were tried by full power officers, it may be inferred that not more than 525 such cases were appealable to the Deputy Commissioner. Statement I again shows that only 451 of the 705 were contested; and adopting this ratio, the number of contested cases appealable to the Deputy Commissioner would not exceed 336. The appeals in land cases therefore fall at the rate of more than 30 per cent upon the total number of such cases, and of no less than 47½ per cent upon the number of contested cases,

Preliminary reception of appeal.

My course is, on the appeal being presented, to have it at once examined as to correctness of stamps, the more obvious points of jurisdiction, as limitation, decision ex-parte or in default, or by arbitration, and to pass orders at the time on any such points that are brought to my notice. When the decision has been in accordance with the award of arbitrators, it is frequently necessary to send for the file to ascertain that the procedure has been correct. Cases which undergo this scrutiny successfully, are brought on the register, and as early a date as possible is fixed for hearing in presence of the appellant, the file being got out for reference at such hearing. After this hearing, the respondent is summoned, if necessary. Both in this and other districts, on taking over charge from other officers, I have seen the working of the other plan of issuing notice to the respondent at once, and I do not think it saves any trouble to the Court, while it is much more harassing to respondents. I of course make a note on the first hearing of any points requiring notice, so as to save the trouble of having to go over the entire proceedings at the hearing in presence of the respondent.

CAPTAIN G. G. YOUNG, *Deputy Commissioner Hushiárpur.*

Appeals.

I have found it impossible to make very much use of Section 7 of Act IX of 1873, for the reason that my pending file is always so heavy that I am unable to give a date for the preliminary hearing, very often for some weeks after the appeal is presented; and if then it is not a case which can be disposed of at once, the final hearing is delayed so long as to keep the case on the file for months.

I have therefore been obliged to resort to the old system of fixing a date at once for final hearing and summoning both sides simultaneously.

MAJOR W. G. WATERFIELD, *Deputy Commissioner Hazára.*

Appeals.

I think that appeals should be admitted by post, and the personal attendance of the appellant in the first instance in any Court of appeal should be unnecessary. That his attendance is only required when his appeal is accepted and comes on for hearing. There appears to me to be no excuse for compelling an appellant to undertake the expense of personally visiting Peshawar or sending an agent if the decision of the lower Court is wrong or sufficiently obscure to require that the Appellate Court should see the file. The appellant

bears the expense of the stamp and of the writing of the appeal, and that is I think sufficient. If the appeal is not properly written or fails to convince the Appellate Court of the incorrectness of the decision of the lower Court, the appellant, not being present to explain verbally any point omitted, suffers by his own laches.

D. C. MACNABB, ESQ., *Commissioner Peshâwar Division.*

Percentage of reversals.

The per-centage of reversals is somewhat high ; but of the 18 cases in which the orders of the lower Courts were reversed, 8 were appeals from the Deputy Commissioner of Peshâwar in his appellate capacity. That officer reversed more than one-third of the orders appealed to him. This was a very high proportion, and of the 17 appeals from his orders which came before me I was only able in 8 instances to consider that he had rightly reversed the orders of the original Courts. I have drawn the Deputy Commissioner's attention to the judgment of the Chief Court in the case marginally noted ; but I am of opinion that it would be well if the Judges should see fit to lay down some general principles for the guidance of Appellate Courts as to what is ordinarily a sufficient cause for reversing the finding of a Court of 1st instance on the facts.

Bagh Singh *v.* Tatta, No. 28, *Panjab Record* for April 1873

According to my experience many Deputy Commissioners reverse orders not because they are satisfied that these orders are wrong, but because they do not feel convinced that they are right.

PART 5.—GENERAL.

D. G. BARKLEY ESQUIRE, *Deputy Commissioner Jálandhar.*

Distinction between proprietory and cultivating right in decrees for land.

This report would be incomplete without some notice of the effect of certain orders issued by the Commissioner for the guidance of Courts in which the claims were laid to the possession of land under the terms of mortgages. I understood from the first that the object of the instructions given was to lead the Courts to consider whether a transfer of the cultivating right was contemplated by the parties in making their bargain, but I thought that they were liable to be misinterpreted as a direction to the Courts not to look beyond the express words of the document itself for the purpose of discovering the intention of the parties. I therefore made a reference to the Commissioner on the subject, but as he did not consider that his orders required any qualification whatever, though admitting that my construction of them was correct, I issued them without any remark. I have, however, when consulted on the subject, freely given my opinion as to what was meant. But notwithstanding this, I have already had one instance in which a subordinate Court put the narrowest possible construction upon the orders given, ignoring the statement in the deed that the mortgagee was to get the produce and pay the land revenue, and ignoring also the fact that the mortgagee had got cultivating possession, and arranged for the cultivation for some time, and that the suit was brought because the mortgagor had wrongfully resumed possession.

But the manner in which the Commissioner's instructions were published elsewhere was such as to create a general impression that all mortgagors were at liberty to resume the

cultivation of land from mortgagees without their consent, and this impression spread very generally in certain parts of this district, though always attributed to a proceeding issued in a neighbouring district, mortgagees endeavoured to combat it by bringing charges of criminal trespass, most of which were struck off and the parties referred to a civil suit, as the question whether the mortgagee had ever had cultivating possession was raised.

In many cases too the mortgagee's right was admitted, and he had no occasion to proceed with the case. Some of the cases however proceeded to trial on the criminal side, and in two cases in which a conviction was obtained appeals came before me. In one of these, an Honorary Magistrate had passed the very judicious sentence of Rs. 2 fine, in the other a Native Extra Assistant Commissioner had passed a sentence of Rs. 20 fine and one month's imprisonment, which, under all the circumstances was the very reverse of judicious.

The excitement on this subject has now to a great extent died away, and I trust nothing will occur to revive it.

In other respects I have frequently noticed a narrow construction of the language of documents, without reference, either to the intention of the parties or to the validity of the contract. The worst case of an invalid contract having been enforced was one in which a wealthy money-lender in Jálandhar stipulated in a mortgage deed for the produce of certain land by way of interest, and for Rs. 215 per annum besides under the name of profits. He afterwards got decree under this mortgage deed for possession of the land, for the past produce, and profits up to date at the rate stipulated. Whilst continuing in possession of the land, he again sued for "profits" for another year, and obtained decree. On review of judgment, a rider was added to the decree to the effect that it could be enforced only against the mortgaged land, and it was on the mortgagee's appeal against this proviso that the case came before me. The other party not appealing, I could do no more than express an extra judicial opinion that the agreement to pay Rs. 215 per annum was bad, not merely because the document had been stamped merely as a mortgage, but because it was inequitable to bind a man to make a periodical payment, whether under the name of "profits" or of interest, which he could never get rid of except by redeeming mortgaged property, the profits of which the mortgagee was already receiving. It was in the hope that the expression of this opinion would tend to put an end to a series of oppressive law suits which had already gone too far that I placed it on record, though unable from the way in which the case had come before me, to give it the weight of a judgment.

CAPTAIN G. G. YOUNG, *Deputy Commissioner Hushiárpur.*

Under this head it seems right that I should notice an effort which has been made during the year to rescue the agriculturist from absolute ruin in cases in which he has mortgaged the whole of his lands.

The subject attracted the attention of Mr. Melvill as Commissioner, and he issued a Circular letter to District Officers, giving it as his opinion that the Courts should not decree the right to cultivate the mortgaged land as well as the proprietory right of the landlord, except where this is proved to have been one of the expressed or implied conditions of the mortgage.

The hardship involved in ousting the mortgagor from his possession as cultivator of his "khud-kasht" lands in addition to his rights as proprietor is very apparent; and as the two rights appear to be entirely distinct, it is somewhat remarkable that the persons concerned should have submitted to it so long.

The result of the publication of these instructions was to flood our Courts with petitions from ex-proprietors who had lost their hold on everything (some having been dispossessed 8 or 10 years ago) with the hope that occupancy right would be awarded them, but they were of course disappointed; in some instances also, through misapprehension or under cover at all events of the excuse that they had misapprehended the order, some zamindars were unwise enough to proceed to enter on possession by forcibly sowing fields of which they had had no hold for many years, but this state of affairs was soon put to right by proclamation, and advantage was taken of a meeting of the District Committee to explain the real scope of the order which was to have prospective effect only.

It is of course quite probable that for the future an extra clause in the bond will convey the right of arranging for the cultivation to the mortgagee, and where this is done deliberately no further remedy can be applied; but if the late discussion leads to the recognition of the fact that the right of cultivation and the right of proprietorship are two distinct properties, and teaches the agriculturist to realize his position more clearly, makes him little more cautious for the future, it will have done good.

COLONEL H. W. H. COXE, *Commissioner and Superintendent, Jálandhar Division.*

I may notice under this head a point which has been referred to by Mr. Barkley, the instructions issued by my predecessor, that in executing decrees for land it should be carefully considered whether the cultivating right is included in the decree or not, and if not, that consideration should be shown to the judgment-debtor. This has been pressed to mean that in all cases where land is decreed in a case, the cultivating rights are to be held exempt, but such is evidently not the intention. I understand the instructions in the manner noted above, and I consider that carefully handled it may be made a great source of relief to embarassed zamindars.

J. G. CORDERY, ESQ., *Deputy Commissioner Gujránwálah.*

Limitation.

Some explanation would seem necessary of the real working of our limitation law. I observe in the last Civil report that the experience of Mr. Brandreth in his tour through his division in 1872 coincided with mine in my district during 1870-71, in so far as he reported that no single law in force was so odious as this amongst the agricultural debtors for whose benefit it was expressly intended. He adds that he sees no good reason for this unpopularity. I submit that the explanation of this feeling (which continues as strong now as it was then) is that the cultivator finds himself driven into a corner and threatened with all the trouble and expenses of a civil action unless he complies with the *Sowkar's* demands, twice for every once that the same pressure was put upon him under the former law; he has consequently to execute a bond of which he fears the consequences twice as often as before; and our Courts have given him too much reason to dread that interest will run on any sum so acknowledged as though no interest were included in it. The result is that extreme compound interest is inextricably, and not without reason, mixed up in his mind with the shorter period of limitation.

The recent Circulars of the Chief Court, which tend strongly to mitigate this evil, are hardly as yet so widely known, or so fully understood or acted up to in subordinate Courts as those who feel their necessity strongly could desire. It is to be noted in the classification statement that suits on account nowhere seem to increase, while those on so-called bonds multiply at a

terrible ratio. I would urge that it would be a help and a guidance to the Courts in the course of equity, if they were directed when they found that a suit was really brought upon a disputed balance of a current account, to enter the case under its real heading, as this would have a tendency to make them treat it according to its genuine, not its fictitious, form.

But the true remedy lies in helping the cultivators with means, and into habits, of self protection before he comes into Court. Education, I fear, affects this class but very little; for the traditions of the race are quite against it, and are not to be changed in a day. But some scheme similar to that which I have ventured to urge under the third subject of this report (viz. a scheme for establishing panchayats on a sound footing) would afford them a practical instruction, especially in those points on which they are now so culpably careless... whilst at the same time it would not be foreign to their own traditionary modes of thought.

LIEUTENANT COLONEL R. YOUNG, R.E., *Officiating Commissioner, Lahore Division.*

The Deputy Commissioner of Gujránwálah gives his opinion of the cause of the unpopularity of the Limitation Law with the agricultural classes, namely, that when the period of limitation for simple debt is on the point of expiration the debtor is obliged to execute a bond for the principal with heavy interest, on this again heavy interest is charged, and the Courts ordinarily will not take into consideration the accounts preceding the bond. In my opinion the short period of limitation is on the whole a great protection to the borrower.

D. G. BARKLEY, ESQUIRE, *Officiating Deputy Commissioner, Jálandhar.*

Oaths Act.

The provision in the Oaths Act as to the acceptance of certain oaths looked upon as binding by the parties is occasionally acted upon, but does not seem to be as yet thoroughly understood. I have several times noticed that the illegal oath on a man's son, the binding character of which arises from the idea that if he perjures himself, his son's life is doomed, is accepted or tendered by native Courts; and on one occasion, I have found that the fact of one party having taken an oath has been treated as absolutely conclusive, though the other party had neither offered nor consented to be bound by such oath.

COLONEL H. W. H. COXE, *Commissioner and Superintendent, Jálandhar Division.*

Pressure of work in Hushiárpur district.

The principal subject which seems to call for notice under this head is the continued pressure of work in the Division, and specially in the Hushiárpur district. It is an old story, but must be retold to keep the subject constantly in view, that the Hushiárpur district is greatly under-officered, and the Jálandhar district not so strong as it should be. Mr. Barkley and Captain Young are most energetic and hard-working officers, and both state that it is impossible for them to exercise a proper supervision over the work of their subordinates. Contrast this with the work in some of the other Divisions, Hissár for instance. I have had three months experience only of that Division, but from what I saw there, and from the statistics which came before me for the preparation of the annual reports, I can safely affirm that the work, administrative and judicial, of the Commissioner of that Division (to begin with) is as about 1 to 5 compared with that to be dealt with by the Commissioner of Jálandhar, apart from the help rendered by the Additional Commissioner, and so on in gradation. I have not the previous annual reports by me, this being written in camp, to give the statistics, but I believe they will bear out my position as regards the District Officers and their subordinates of the respective Divisions. I may take an instance however

nearer home, which I have had the opportunity of verifying. In the Kángra district last year the Assistant and Extra Assistant Commissioners at head quarters disposed of an average of 450 cases each. In Hushiárpur the average of the same class was 800. This speaks for itself. I have no hesitation in affirming that the officers in the last named district are greatly overworked, and no increase is considered necessary to the judical staff because the number looks large on paper.

If a calculation of civil work throughout the province were carefully made, and a distribution of the judicial staff effected in accordance with it, it would be found necessary greatly to increase the agency of the Civil Courts in the Hushiárpur district; and unless the rumoured scheme of a redistribution of the administrative and judicial staff is carried into effect speedily, I trust this may be done, not only in justice to the civil officers of the Hushiárpur district, but in deference to the interests of the State, which must suffer, when able and experienced officers distinctly state that the pressure upon them is too great to enable them efficiently to perform the duties required of them; and not only this, but the constant references made, and most reasonably made, for increase of staff or establishment, to meet the constantly pressing need entails a great amount of work on the district officer, on my own, and I presume to a certain extent on that of the Chief Court also, which might be avoided by a well considered measure of relief applied at once.

G. J. Ryall Esquire, *Judge Small Cause Court, Simla.*

Absence of law regarding Master and Servant.

In my report for 1872 I remarked on the hardship felt, in the absence of a definite law of master and servant. From another year's experience in Simla I am more convinced of the necessity of some such enactment, defining the obligations of the employer and employed. To enact a Regulation such as Regulation VII of 1819, there must have been a necessity, and at that time the European population in India was comparatively small to what it is now. If there was a necessity then, how much greater must it be now. Every year the European population is on the increase, and with it increases the class of servants.

Officiating Deputy Commissioner Simla.

I would beg to call attention to Mr. Ryall's remarks regarding the relation of master and servant at Simla. The employer is now practically in the hands of his servant. The servant has his rights but is bound by no obligation. He may engage to give his services and withhold them at pleasure at a time when they may be indispensable, and his employer has no redress. Legislation in this matter would be as eagerly welcomed by the native as by the European community.

C. P. Elliott, Esquire, *Deputy Commissioner, Ambálah.*

Adhesive Stamps.

During the last few years adhesive court fees stamps have been gradually introduced in the place of impressed stamps, and have now entirely superseded them. I am not aware of the cause of this change, but the only obvious advantage is the saving thus effected in the cost and carriage of the impressed paper, and it seems to me that this is more than counterbalanced by the great liability of the adhesive stamps to be stolen. Although all officers have been urged to see that the stamps are punched before signing the papers to which they are attached, and have been supplied with patent punches for the purpose, they do not always do so; and misls

are still sometimes sent to the record office with unpunched stamps. Several entire misls have been lost during the past year, and the suspicion is that they have been stolen for the sake of the stamps. If a Mohurrir has obtained possession of a punched stamp he can wait his opportunity for removing and substituting it for an unpunched stamp of the same value. Many opportunities must occur for removing stamps, and if no old ones are substituted for them and the record keeper reports that they are missing, the misl has probably passed through so many hands that it is impossible to bring home the theft to any one. Suspicion is likely often to fall in the wrong place, and I know that several respectable Amlah have been made uncomfortable by the loss of stamps and papers to which they were affixed. Even when there has really been no fraud, stamps are sometimes missing, having been carelessly put on and having been rubbed off in transit from one Court to another or to the record office. It must not be supposed from my mentioning the subject that there has been any excessive misconduct in my district in respect to adhesive stamps. I have heard that in many other districts stamps have been removed and similar difficulties have been experienced. Considering the number of low paid officials employed in our Courts it is unfair to put such temptation in their way. I hope other officers may have drawn attention to this matter, and that enquiries may be made with a view to reverting to the old plan of impressed stamps. I am convinced that no rules that may be issued or precautions that may be taken will entirely prevent the frauds to which I have referred.

COLONEL J. E. CRACROFT, *Commissioner Dehli Division.*

Commissioner's tours as affecting appellate work

I would notice under this head one subject only, namely that of Commissioner's tours as affected by or affecting their appellate files and the suitors. If the objects be considered for which a Commissioner goes on tour, and a comparison be made between the mode by which he can attain those objects and that by which appellate work can best be disposed of, it will be seen at once that the two things cannot run together. For the first there must be perfect freedom of action, the day spent in the saddle; for the latter it is necessary to be tied to the desk and to adhere closely to fixed hours. It is as prejudicial to the interests and convenience of the public as to the quality of the work to insist on both kinds of work being performed at one and the same time. For this reason I proposed to the Chief Court to allow me to close the Civil Appellate Court for a couple of months, but both the Chief Court and His Honor the Lieutenant-Governor objected to the course proposed. Perhaps, when the question of additional agency is solved, some arrangement will be made whereby more liberty of action will be left to the Commissioner of a Division to enable him to bestow a proportionate share of attention on all departments. At present, he is little else in reality than a Civil and Sessions Judge.

D. C. MACNABB, ESQ., *Commissioner Peshawar Division.*

Money-lenders in Hazára

When in Hazara this year I heard complaints in all directions of the increasing extortion of the money-lenders. It is the protection afforded to their lives and property by our laws which makes them thus bold to impoverish the agricultural classes, and I think we might with perfect fairness put a limit by law to their extortions. The difficulty is to suggest any plan for really effecting that object by legal enactment.

Proceedings of the Hon'ble the Lieutenant-Governor of the Punjab in the Home Department,—No 2548, dated the 6th July 1874.

READ—

Annual Report on the Administration of Civil Justice for the year 1873, furnished by the Chief Court, Punjab, dated 15th May 1874, received in a printed form on the 17th June 1874.

REMARKS.—The chief features of the original civil litigation of the year may be summarised as follows :

The number of institutions amounted to 221,855, being an increase of 1·8 per cent. on the previous year, and 1·3 per cent. on 1871. The increase was entirely in suits brought in the District Courts, there being a decrease in Small Cause Courts. Of the total number of suits for disposal, only 10,049 remained pending at the close of the year. Of the cases decided 29 per cent. were disposed of without decree, *i. e.*, were dismissed on default, withdrawn, mutually adjusted, &c., and in 68 per cent. a decree was passed, about one-half these latter being contested and one-half uncontested. Thus about one-third of the litigation of the Province during the year was contested in court and decided upon the merits.

2. There has thus been a small but decided increase of civil litigation, and the number of suits instituted during the year under report has exceeded by 2,930, the largest number of institutions in any previous year, namely, in 1871. The causes of the steadily increasing litigation of the province have been considered and the arguments to be deduced therefrom discussed in former years. The statistics of the past year, which are carefully analysed in the present report, throw no new light upon the subject, and the Lieutenant-Governor does not think it necessary to notice the matter further at this time than to remark that the increase in litigation has been accompanied by favorable seasons and an apparent general increase of prosperity throughout the Province, and is not regarded by him, so far as he is able at present to judge, with any apprehension.

3. On the subject of dismissal of suits on default, the Lieutenant-Governor is of opinion that the remarks of the Deputy Commissioner of Gurdáspur, Mr. Burney, which are appended to the report, deserve the careful consideration of all judicial officers. The proportion of cases dismissed on default appears to have increased of late years and indicates a tendency that should be most carefully watched. Wherever it is ascertained that many such dismissals are due to faulty procedure, such as is noticed by Mr. Burney, the Lieutenant-Governor trusts that Deputy Commissioners will satisfy themselves that the recent orders of the Chief Court, which enjoin that the parties be informed of any adjournment and be supplied with a memorandum of the date and place where the suit will next be heard, are strictly observed by all the subordinate courts.

4. As regards the question of the issue of summons for final disposal, it appears to the Lieutenant-Governor that the practice may be usefully followed if properly worked in accordance with the instructions on the subject contained in the Court's Civil Justice Report of last year. But the remarks on this subject, recorded by many experienced officers, will probably convince the Judges that the practice should not be forced too imperatively upon the courts, and the procedure of the subordinate courts, in this respect, requires careful scrutiny on the part of Deputy Commissioners.

5. *Classification of suits.*—By far the largest number of suits was, as in former years, for money due, which class comprehends all suits on bonds, accounts, verbal promises to pay, and the like, and constituted three-fourths the total litigation of the year.

The fluctuations in the various classes of suits, as compared with the previous year, do not appear to call for any special notice. Suits under the Punjab Tenancy Act have again largely decreased, and the total number of such suits during the year amounted to only 1,863.

6. With regard to the remarks in para. 37 of the report as to observing a distinction between the proprietary right and cultivating right when decrees are granted on land mortgages, the Lieutenant-Governor concurs generally in the views expressed by the Commissioner of Jálandhar, Mr. Melvill, but he will not notice the matter further, as it is stated that it is probable that the question of such distinction will before long be judicially decided.

7. The very large amount of civil judicial work disposed of by tahsíl agency again attracts notice, but it is unnecessary to comment further on the subject here, as the orders of the Government of India upon the scheme for reorganizing the judicial agency of the province are expected at an early date

8. *Execution of decrees.*—The decrease in realization of decrees which occurred during the year is, His Honor observes, attributed by the Chief Court not to any diminution of care on the part of the courts, but to their exercising a proper discretion in executing decrees. The Lieutenant-Governor, while willing to concur in this view, trusts that the importance of this branch of their duties will be kept before the Civil Courts, and he is inclined to think that the system which appears to have been instituted in Lahore of entrusting the superintendence of the execution of decrees to one special officer might with advantage be extended as far as possible to other districts. His Honor quite agrees in the remarks made by Mr. Smyth, Deputy Commissioner of Lahore, that execution work should be regarded by the courts as of equal importance with the decision of original cases.

Small Cause Courts.—There was a general decrease in the number of institutions in Small Cause Courts. The decrease in Pesháwar, which amounted to as much as 45 per cent., is very remarkable, and His Honor will be glad to have it more fully explained.

10. *Appeals.*—The number of cases appealed to Deputy Commissioners and Commissioners was small in proportion to the original litigation, being 16·6 per cent. of the contested cases decided. The appellate work was generally disposed of with promptness, except in the Amritsar Divisional Court, where the pending file was very large.

There appears to be some mistake in paragraph 86 of the report as to the number of appeals instituted in the Court of the Commissioner of Jálandhar.

His Honor observes with satisfaction that the pending file in the Court of the Commissioner of Dehli was reduced to 53 at the close of the year. The procedure adopted by different officers in hearing appeals appears to vary in regard to the issue of summons upon the respondent. The practice followed by Mr. Barkley, Deputy Commissioner of Jálandhar, on reception of appeals, as described in his remarks on the subject appended to the report, seems to His Honor to be the most convenient to all concerned. The indiscriminate issue of a summons upon the respondent in all cases is, as remarked by the Judges, inconsistent with the provisions of the law.

11. In conclusion, the Lieutenant-Governor thinks he is justified in concluding that the heavy civil judicial work of the year was generally disposed of satisfactorily, as it certainly was with promptness.

His Honor's thanks are again due to the Judges of the Chief Court for the effective supervision maintained by them over the working of the subordinate courts.

ORDER.—Ordered that the foregoing remarks be published in the *Punjab Government Gazette.*

Also that a copy of the remarks of the Hon'ble the Lieutenant-Governor be furnished to the Registrar of the Chief Court for the information of the Judges and for circulation with the report.

By order of the Hon'ble the Lieutenant-Governor,

C. M. NIVAZ,

Offg. Secretary to Government, Punjab.